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# LIBERTY

WASHINGTON  
D. C.

A MAGAZINE OF RELIGIOUS FREEDOM

*"Lest We  
Forget"*



AMENDMENT 1—CONGRESS  
SHALL MAKE NO LAW RE-  
SPECTING AN ESTABLISHMENT  
OF RELIGION, OR PROHIBIT-  
ING THE FREE EXERCISE  
THEREOF, OR ABRIDGING THE  
FREEDOM OF SPEECH OR OF  
THE PRESS; OR THE RIGHT  
OF THE PEOPLE PEACEABLY  
TO ASSEMBLE AND TO PETI-  
TION THE GOVERNMENT FOR  
A REDRESS OF GRIEVANCES.

FROM  
THE CONSTITUTION OF THE  
UNITED STATES OF AMERICA

# *Declaration*

## **INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION**

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

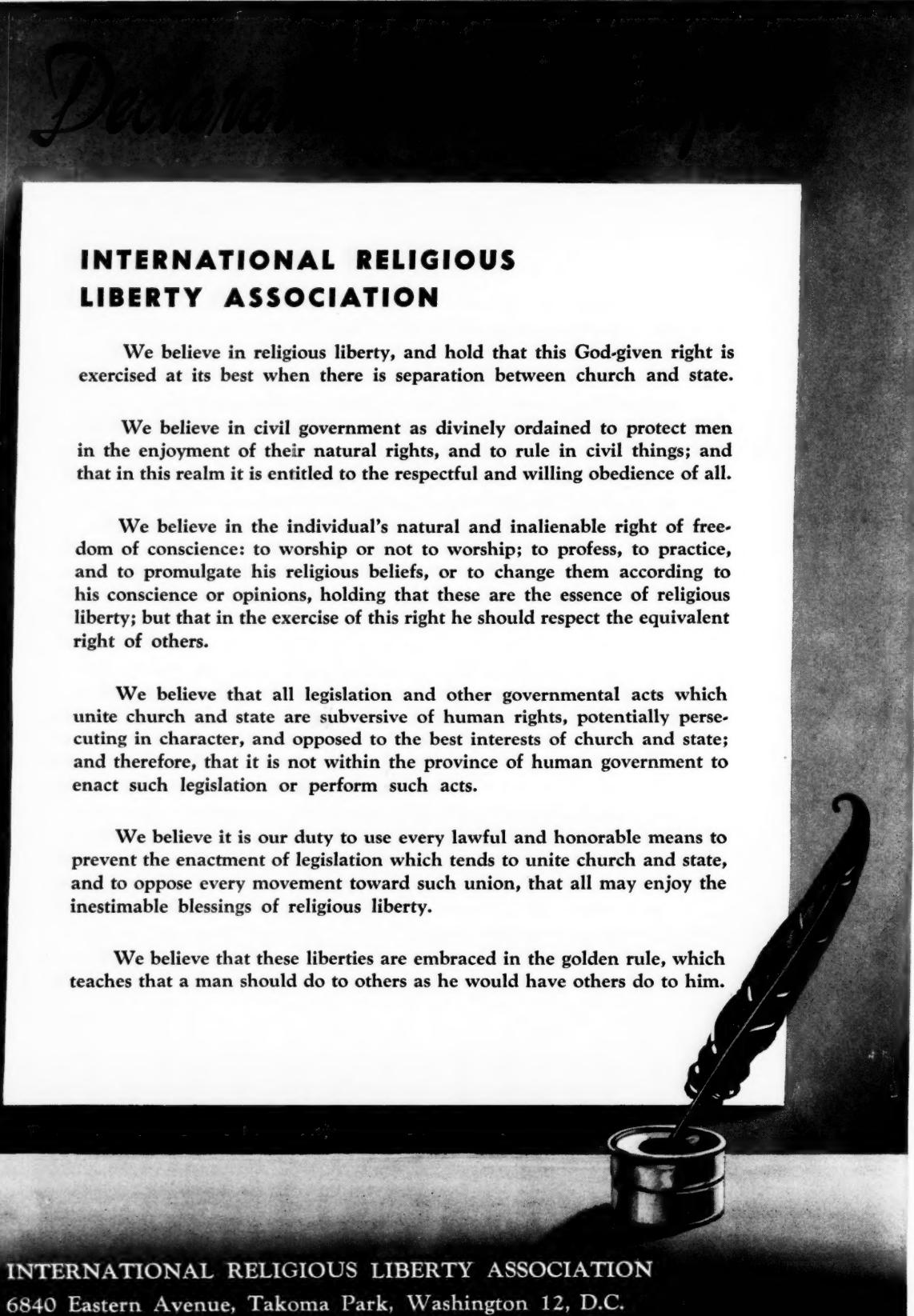
We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right of freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent right of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

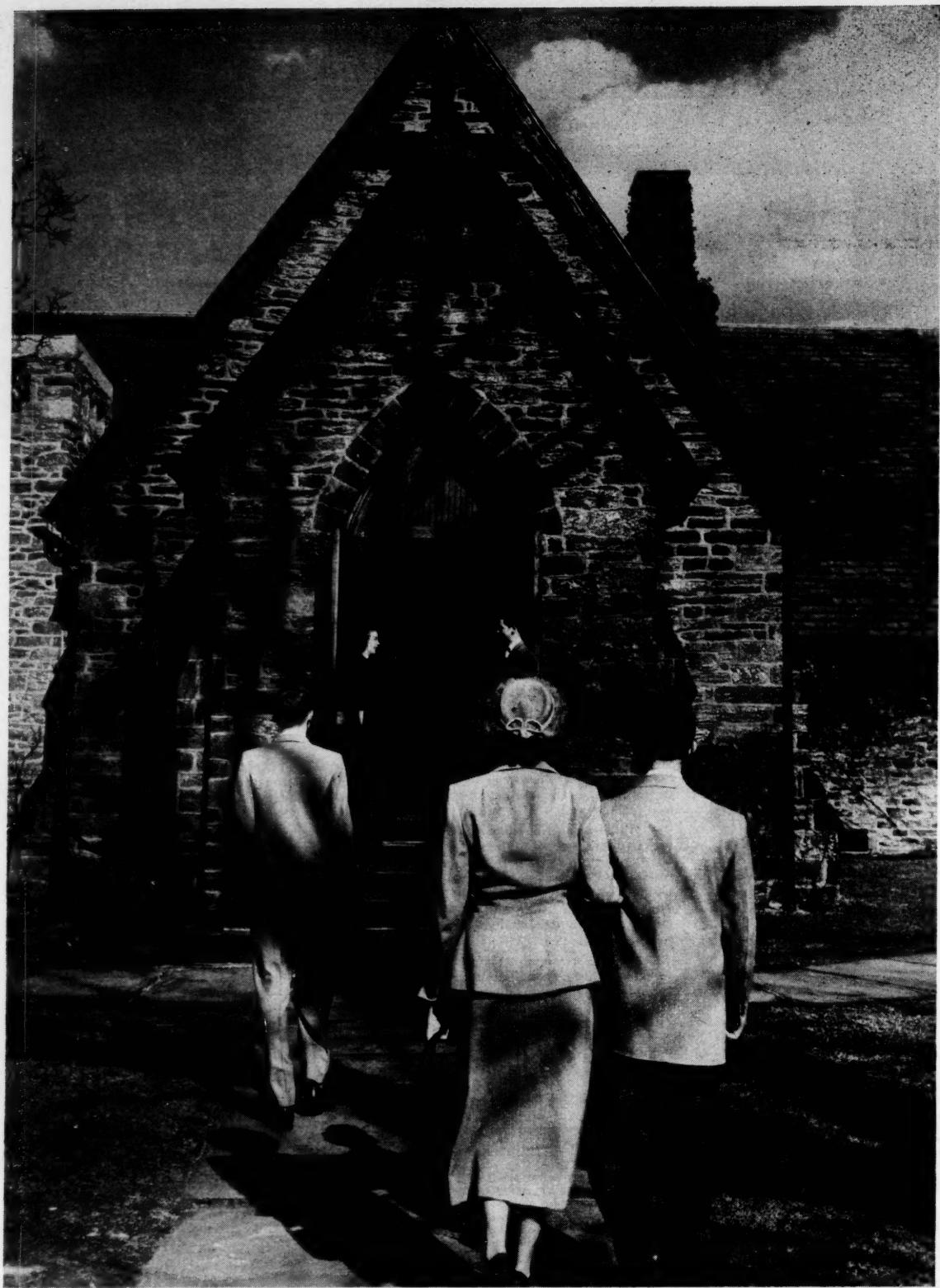
We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.



INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION  
6840 Eastern Avenue, Takoma Park, Washington 12, D.C.





H. A. ROBERTS

While it is a sin to break the Sabbath, it is also a sin to force men to observe it, for if it is not a religious act  
springing from inner faith, it is but a hypocritical conformity to the temporal laws of the state.



J. BYRON LOGAN

Spiritual laws cannot be enforced by temporal punishment. Outward coercion does not convert sinners or produce faith in the heart of man.

## **Foreword**

# **Why Seventh-day Adventists Oppose Sunday Laws**

**By J. ARTHUR BUCKWALTER**

*Secretary, Department of Religious Liberty  
General Conference of Seventh-day Adventists*

THE IMPRESS OF RELIGIOUS FREEDOM has been divinely stamped upon every human soul. God has decreed that the soul of man should ever be free. He will never force His will upon any man, and the state that invades the sphere of man's relation to his God by religious legislation sins against God and against the soul of man.

The role of freedom is waning. One senses in the West a crucial lack of any dynamic devotion to the cause of freedom on the part of the masses. We have been too far removed from the sufferings of tyranny to have a passionate commitment to liberty. A fuzzy outline of human rights can never be a sufficient bulwark against totalitarianism. In no field is this fact more in evidence than in the area of Sunday legislation. The increasing agitation for Sunday laws

is a revival of the age-old illusion of legislated religion. It is a return to the medieval theory of the union of church and state. There are ardent advocates of religious legislation who would utilize the police power of the state to enforce international righteousness. To classify Sunday legislation as a health law, or as a labor safeguard, is but to camouflage its religious nature and its illegal interference with the spiritual rights of the individual.

1. Seventh-day Adventists oppose Sunday laws because they are a denial of the Christ-taught principle of the separation of church and state. They would just as ardently oppose Saturday laws on the same principle. According to the dictum of Christ, Caesar should not require of man that which should be rendered only to his God (Matt. 22:21). Christ



## SUNDAY LAWS—

**make provision for the legal enforcement of the religious wishes of one group by denying other groups their rights. Such legal procedures ultimately lead to legislated discrimination and persecution.**

never called for the sword of steel to aid the sword of the spirit. He repudiated the substitution of the police power of the state for the persuading power of the Spirit of the living God. The state is to deal with crime, not with sin.

2. Sunday laws are unconstitutional in a free state, for Sunday legislation is religious legislation and therefore a denial of the basic principles of religious liberty. Even should Sunday legislation be voted in a democracy, it is based on the assumption that minorities have no rights that majorities are bound to respect. Why make provision for the legal enforcement of the religious wishes of one group by denying other groups their rights? Such legal procedure ultimately leads to legislated discrimination and persecution. Can a government afford to ignore the rights of people because they are in the minority? If so, can the majority escape eventual infringement upon their rights once the precedent of government dictation in religious legislation has been established?

3. Interference with the rights of the few establishes a precedent for the interference with the rights of many. Sunday laws make legal the exercise of a religious dictatorial control over the peoples under their jurisdiction. Conceivably, on this principle a concentrated, organized, politically powerful pressure group could establish a minority tyranny enslaving the masses. In the attempt to legislate in the field of religion and to subject conscience to the law of temporal judgment, the state becomes the policeman of the church and eventually agrees to punish dissenters as heretics. Sunday laws thus design the ruin of the free state.

4. In Sunday legislation the state assumes the prerogative of God. It seeks to re-enact or enforce what it interprets to be divine law. It requires men to render to Caesar what belongs to God. It is an insult to Deity to assume that the state law is necessary to make the law of God effective. Even Sunday legislation that attempts to evade the religious issue embodies the phraseology of religion and is recognized as an attempt of the state to advance the interests of religion. No state can impose religious

tests or requirements without invading the essential prerogatives of God.

5. Spiritual laws cannot be enforced by temporal punishment. Outward coercion does not convert nor implant faith in the heart of man. In Sunday legislation the state becomes guilty of the infraction of the basic principles of jurisprudence that guarantee the freedom of the faith and conscience of men. No sect or religious doctrine in the eyes of the law is superior to another.

Sunday laws make criminal on Sunday what is right on any other day of the week, but crimes are not determined by the day of the week on which they are committed. Sunday laws withhold from one class the rights they permit another. They deny both civil and religious liberty to nonconformists or nonbelievers in Sunday sacredness.

6. In accepting the scriptural principle that "whatsoever is not of faith is sin" (Rom. 14:23), Adventists believe that coerced obedience to temporal legislation in religious matters is not an act of faith and therefore constitutes sinful legislation. The state can enforce a form but never a faith. Adventists grant that man ought to keep the true Sabbath of the Lord, and even that it is a sin not to do so. But there is a difference of opinion in the religious world as to which is the true Sabbath, and the state has no divine right to settle that difference of religious faith by law. While it is a sin to break the Sabbath, it is likewise a sin to force men to observe it, for if it is not a religious act springing from inner faith, it is but a hypocritical enforced conformity to the temporal laws of the state.

7. To the Seventh-day Adventist who believes that the seventh day of the weekly cycle, Saturday, is the Sabbath according to the commandment, Sunday legislation becomes a great problem. To the Adventist, it is the attempted enforcement of the transgression of God's own Sabbath law (Ex. 20:8-10), and makes the transgression of God's law an enactment of the state. The Adventist then feels that Sunday legislation is a sin on two counts: It is according to his understanding of the Scripture a sin to legislate in the field of religion, and it legislates a sin. Both the act of legislation and the day legislated are wrong. To the Adventist, therefore, Sunday laws ultimately by their strict enforcement establish the paradox of the treason of truth and the loyalty of error. The seventh-day-Sabbath keeper is thus faced with the dilemma of being either a criminal or a sinner. The Adventist believes Sunday legislation is in conflict with God's legislation on the Sabbath, and why should the state enact a law requiring man to sin against his own conscience?

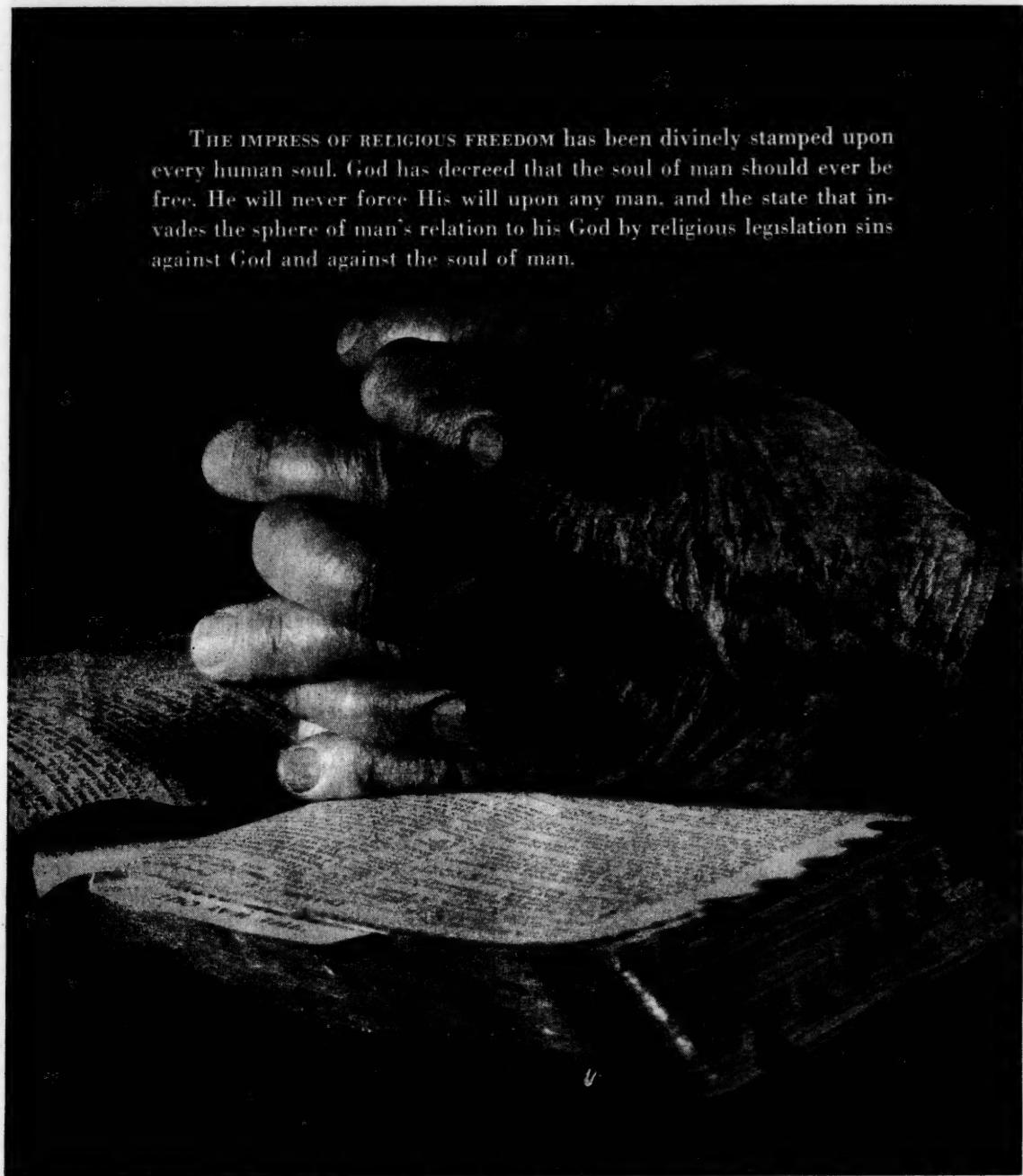
Seventh-day Adventists, however, do not oppose Sunday laws purely for selfish reasons. They want complete religious liberty for all men, Christian and

non-Christian alike. They sincerely believe that such laws invariably hinder the progress of true religion, that they tend to substitute the power of the state for the power of God. They constitute a retrogression to the archaic ages of the past when civil authorities legislated in religious matters and presumed to exercise the prerogatives of divinity in their coercion of the souls of men. History testifies to the folly of all attempts to enforce religious traditions by common law. All such laws are an invasion

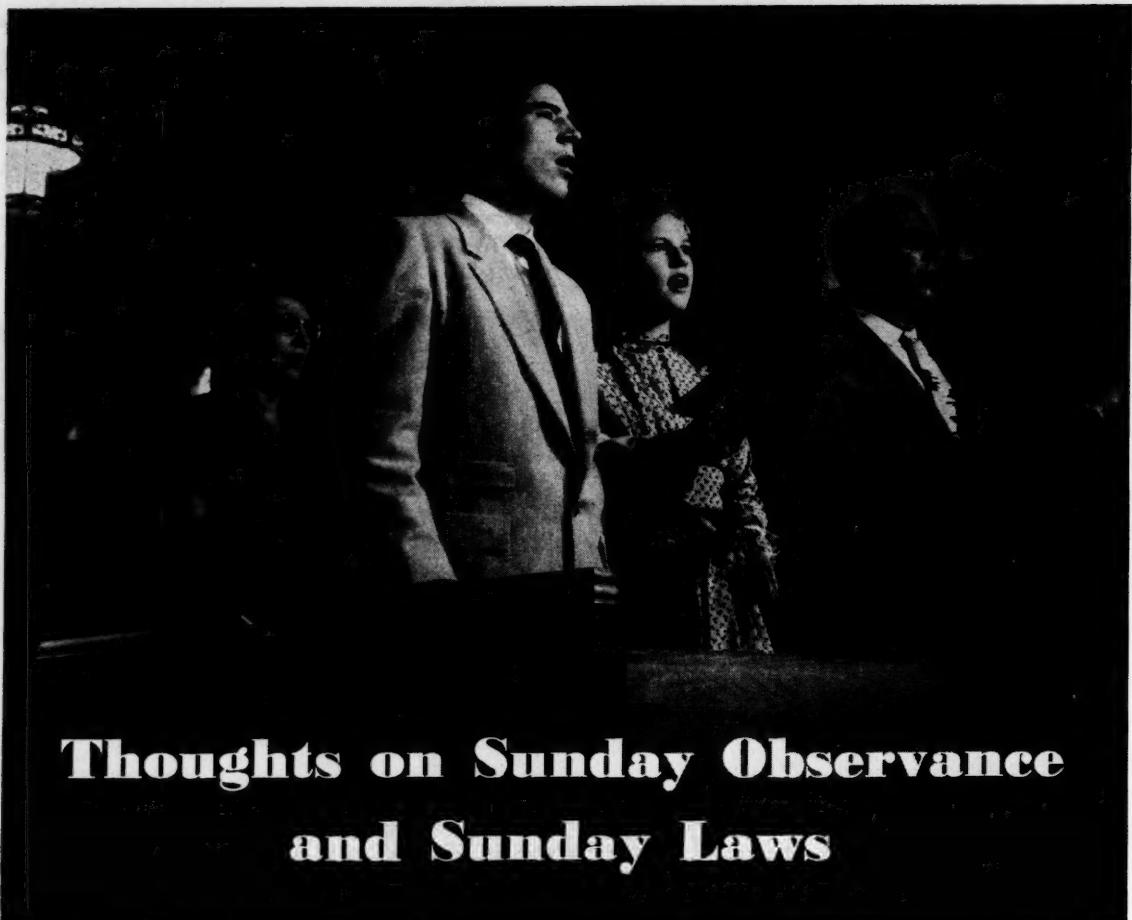
of the natural rights of all men, whether or not the individual is in agreement with the tradition or doctrine so enforced.

The destiny of the world hangs upon the fate of freedom. A decision for or against the dignity, worth, and soul freedom of the individual is a decision for or against the living God. It must ever be remembered: "Every generation must wage a new war for freedom, against new forces which seek through new devices to enslave mankind."

THE IMPRESS OF RELIGIOUS FREEDOM has been divinely stamped upon every human soul. God has decreed that the soul of man should ever be free. He will never force His will upon any man, and the state that invades the sphere of man's relation to his God by religious legislation sins against God and against the soul of man.



MAX THARPE



## Thoughts on Sunday Observance and Sunday Laws

J. BYRON LOGAN

By THE REVEREND WILLIAM H. COONS

*A Minister of the Reformed Church in America  
Pastor of the Niskayuna Reformed Church  
of Schenectady, New York*

**I**F ALL THE OLD TESTAMENT laws and teachings carried over and incorporated into Christianity, none has caused more discussion and more speculation than has the fourth commandment, "Remember the sabbath day, to keep it holy." Every student of the Bible knows that the word "sabbath" means "rest," and that this day, which was appointed as the last day of the week, or the seventh day, was a divinely instituted day of rest. According to the Genesis account of creation, God, having completed the work of creation in six days, ceased from His creative work on the seventh day, and "God blessed the seventh day, and sanctified it." When the ten basic commandments of God were revealed to man, among them was this fourth commandment, which, according to the translations and interpretations of

the centuries, exhorted man that the seventh day be kept holy and apart from the other six days of the week, and that on this day he and his household should do no work.

As was the case in many of the ancient Hebrew laws and codes, Jewish legalism added interpretations and amendments throughout the centuries so that it became almost impossible for anyone to do anything on the Sabbath day without offending the law. We witness this most vividly in the life and ministry of Jesus, for He was accused of breaking the Sabbath by healing and His disciples similarly by gathering grain to eat as they walked through the fields (Matt. 12). The Christian church finds its roots and foundations in the Bible, and many Old Testament requirements have been carried over into the church

instituted by Christ and empowered by the Holy Spirit at Pentecost.

Whether we observe the Old Testament Sabbath, the seventh day of the week, or the Christian Sunday, the first day of the week, may not seem important, but it is important to recognize the meaning and purpose of each day. Of further importance is this, that Jews and Christians alike agree that the holy observance of one day a week, dedicated to worship and rest, is a vital Judaic-Christian function that should and must be preserved. We are convinced that the life and the future spiritual welfare of both the synagogue and the Christian church will depend largely on how Jews and Christians alike maintain this basic function in their faith. Of yet further importance is the basic principle—inherent in Judaism and in Christianity—of human freedom, which is involved in this issue, that men and groups have the right to choose their own interpretation as to which day of the seven in a week to observe as the day of rest, and how they should observe it.

There has always been and is still today a tendency among majority groups to seek through legislation to enforce certain principles that are basically spiritual in nature. This has been the case, we believe, in the enforcement of so-called blue laws, which certain communities seek to revive and enforce in order, they believe, to make more effective the fourth commandment, applied to the first day of the week. Well-meaning Christians have sought to create and enforce through legislation laws that would prohibit commercialization on this day by anyone in any way, and thus enforce the majority's interpretation of this holy law. Now the difficulty with such legislation is that it denies the basic right of freedom of choice in religion, for these laws are designed by and for the majority. But we cannot on the one hand advocate the sovereign right of a man to choose his own religion—or no religion at all if that is his choice—and on the other hand legislate that he must observe the first day of the week as a holy day regardless of his personal convictions.

The rebuttal will of course be, "We are doing this to protect our sacred traditions in America because we are a Christian nation, and to protect the Christian merchant against unfair competition," along with numerous other reasons. The devout Christian is offended when the noise of commercialism and secularism destroys the sacred peace of his day of rest, and perhaps he has a right to be troubled. But we must remember that we, Americans, believing in the rights and privileges of the minorities as well as the majorities, are denying a large number of people, though they are in the minority, of their inalienable rights when we pass and enforce such legislation.

In all fairness to our Jewish brethren and to certain groups of the Christian church, such as the Seventh-day Adventists, who observe the seventh day of the

week as a day of rest, we should then pass laws forbidding any type of commercialism on Saturday, as well as Sunday. If we believe the practice of enforcing Sunday observance by law is ethical and right, then in all fairness, in communities where Roman Catholics are in the majority, they would be perfectly justified in passing and enforcing local laws forbidding anyone to eat meat on Friday regardless of his personal faith or convictions, for this is a basic teaching and practice of their church. Or if our Jewish brethren were in the majority, as they are in a few communities in this country, they might justifiably pass similar local laws prohibiting any commercialization on Saturday by anyone in the community. We are sure that many of us would complain bitterly that our inalienable rights as Americans were being jeopardized if this was done.

What then is the alternative to this problem? We still believe that Sunday, or the "Lord's day," should be observed as a holy day by all sincere Sundaykeeping Christians. It should be a day of worship, a day of rest, and a day dedicated to Christian service and spiritual enrichment. We believe that commercialization does destroy the peace and quiet and sacredness of a sacred day. We believe that the strength and the welfare of the Christian church is contingent upon this continued conscientious observance. How then can we protect this day from the dangers it faces?

The answer, we believe, is in an emphasis upon the duty of every Christian to observe the ten-commandment law in every respect as it is interpreted and taught by his church. We hold that this is a vital and necessary Christian function that must be observed no matter what the personal cost. Religion makes an impact upon the world primarily through the sacrificial living of those who embrace it. When church members take to heart the inherent teachings of their church and seek to carry out these teachings in their daily living, a community soon becomes conscious of it, and changes for the better take place. When Christian people stand together and live their faith, the world feels the impact of their daily witness. If those groups that are in the majority



*are religious laws, and as religious laws they have no place in a democracy committed to religious freedom and the separation of church and state.*

are enough concerned about preserving Sunday for worship and spiritual re-creation to practice it in their own observance, the commercial interests of a community will soon find it wholly unprofitable to operate on the "Lord's day."

We cannot and we must not penalize the minorities even in the name of Christianity for the benefit of the majority. This is far from the spirit of Biblical Christianity. Sabbath or Sunday observance is a moral and spiritual obligation placed upon the Jew and the Christian by the teaching and tradition of his

religion, and a moral and spiritual obligation cannot be forced upon people by legislation in a free country. Man must be made to obey these spiritual laws by the persuasion of his own convictions and conscience. It might seem far easier for the majority to observe Sunday if all people were forced to do so by law. But sometimes the Christian is required to bear witness to his faith and convictions at the cost of opposition and ridicule, and it may well be that this is the intent of the law of God that says, "Remember the sabbath day, to keep it holy."



## **"Sabbath" Observance and Eight Dilemmas of Protestantism**

**By DEAN M. KELLEY**

*Pastor, Crawford Memorial Methodist Church  
The Bronx, New York*

*Chairman, Board of Social and Economic Relations  
New York East Conference  
of the Methodist Church*

**R**ECENT CONTROVERIES in New York City and vicinity have brought to public notice the wide divergence of opinion in the American community on issues of church and state. On several of these issues the Roman Catholic and the Jewish communions have been characteristically opposed, while the Protestants who have expressed themselves splintered in several directions, not all of them relevant to the issues.

The most recent altercation has been over the so-called "fair Sabbath" bill introduced into the legislature by two New York City representatives, Asch and Rosenblatt. This has evoked an intense minor flurry among religious leaders and New York legislators, and has served to illuminate one of the several remarkable dilemmas upon which Protestantism has splintered in the political scene.

The bill was designed to permit Jewish merchants who close on Saturday in observance of the Jewish Sabbath to open on Sunday, and was written to give relief to small businesses—tailors, grocers, et cetera—which presently must pay periodic fines if they do

not observe two Sabbaths every week—their own and the Christian Sunday! The Asch-Rosenblatt bill is in the nature of enabling legislation, and would authorize the city council of New York City to draw up the actual statute.

Since the bill did not specify all the details of enforcement, it gave rise to many wild speculations: about (1) Macy's and Gimbel's being open seven days a week, or (2) Jews going into partnership with Christians so that one could keep the store on Saturday and the other on Sunday, or (3) every shopkeeper in New York City being compelled to register his faith and choose his Sabbath!

Most of these extreme suppositions seemed to come from Roman Catholic sources, and Protestant laymen reported them with alarm after hearing them at office or shop from Roman Catholic colleagues. Cardinal Spellman opposed firmly any change in the present "Sabbath" observance laws, and, it is reported, has refused to meet with Jewish leaders seeking a suitable compromise.

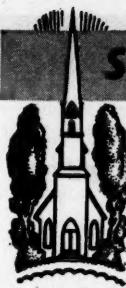
Thus we are faced with the ironic spectacle of

the Roman Catholic Church suddenly appearing in these latter days as the self-appointed guardian of the remaining vestiges of the legalistic Puritan Sabbath, defending it from the encroachments of the earlier legalists who invented it! This new solicitude for Sunday is a strange departure from continental traditions, and can be understood only in terms of the Roman Catholic hierarchy's effort to become the arbiter and proprietor of all legislation concerned with moral or religious issues.

As a result of this intransigent opposition to change, the Roman Catholic community became greatly exercised about the Asch-Rosenblatt bill. When the city council was required to pass on the measure so that it should be in the nature of a "home rule" provision, the seven Roman Catholic councilmen present voted against it. The eleven Jewish councilmen voted in favor of the bill. The three Protestant councilmen held the balance of power in determining the simple majority of thirteen necessary to endorse the measure to the legislature.

Just before the special session called to consider this issue, every councilman (except one of the three Protestants—the one who had asked for advice on the Protestant position, as luck would have it) re-

## SUNDAY LAWS—



*enforce an observance which should be a matter of religious conviction alone. The law should deal equally with all people regardless of their religious beliefs.*

ceived a special message from the executive director of the Protestant Council of the city, strongly opposing the "fair Sabbath" measure. Although it later developed that this was not an official or authorized message, and contradicted the favorable action of the council's own Department of Christian Social Relations, it was widely interpreted by the press as expressing the opposition of all Protestantism. Nevertheless, the three Protestant councilmen voted with the eleven Jewish councilmen to produce the necessary favorable majority.



EWING GALLOWAY

The "Fair Sabbath" bill was designed to permit Jewish merchants who close on Saturday in observance of the Jewish Sabbath to open on Sunday and was written to give relief to small businesses.

## George Washington and Sunday Laws



The Jews had been liable to fines and imprisonment under the drastic Sunday laws of some of the States for their failure to observe Sunday after they had observed the seventh-day Sabbath of the Scriptures. The Hebrew congregation of Newport, Rhode Island, August 17, 1790, addressed Washington, expressing confidence that under the new government and under his administration, just inaugurated, all classes of people in the United States would enjoy equal op-

portunities and freedom under the law. In response to this address, Washington wrote thus:

All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.—*George Washington Papers, Letter Book 30*, pp. 19, 20.

And in closing his letter to these Hebrews, Washington said:

May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while every one shall sit in safety under his own vine and fig-tree, and there shall be none to make him afraid.

May the Father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingily happy.—*Ibid.*, p. 20.

The measure then required approval by a two thirds majority of both chambers of the State legislature. Again Roman Catholic opposition was intense, while all three branches of Judaism were nearly unanimous in support of the bill, and twenty-four Jewish organizations, secular and religious, wired their approval to legislators.

It is regrettable that issues of public policy should divide along religious lines, but with Roman Catholic and Jewish legislators voting in almost monolithic blocs, the Protestant legislators were left standing in the middle, wondering which way to go. Party discipline was relaxed, and religious discipline to some extent replaced it in determining votes.

The majority in the legislature consists of up-State Protestant Republicans. Many of them looked to the New York State Council of Churches for guidance. The Legislative Commission of the Council, which meets weekly during sessions of the legislature, issued its customary release, beginning with two rather technical quibbles about the Asch-Rosenblatt bill:

1. Its wording ". . . a day of rest OR holy time" was deemed to divorce religious motivation from the day of rest, and the wording "rest AND holy time" was urged.
2. It was opposed as a "sectional bill," on the grounds that such "fair Sabbath" relief should apply to the whole State.

Most legislators read only far enough to note the two grounds on which the New York State Council of Churches appeared to oppose the bill, and then overlooked the next paragraph, which reiterated the council's legislative principle that has repeatedly favored the principle of "fair Sabbath" legislation. Several assemblymen and senators with whom I spoke mentioned that the New York State Council of Churches *opposed* the bill, which was not entirely true, but was certainly the prevailing impression.

Several Jewish assemblymen told me they were greatly distressed by Protestant apathy and apparent opposition on this issue, which they felt to be vital to their religion and essential to American justice and fair play.

In an effort to correct the unfortunate impression created by the unauthorized message to the city councilmen, and the equivocal release by the New York State Council of Churches, a group of thirty Protestant clergymen drew up a statement supporting the Asch-Rosenblatt bill, and communicated this support to the assemblymen in Albany. The Protestant Lawyers' Association of Brooklyn likewise wired its support to legislative leaders. The Department of Christian Social Relations of the Protestant Council of New York City instructed the New York State Council of Churches' Legislative Commission to convey the department's support of the Asch-Rosenblatt bill to the legislators, somewhat in the fashion of a "home rule" endorsement, and the commission did so in its next release. Some of the newspapers of the city, including the *Times*, carried notice of these actions, and so the erroneous appearance of monolithic Sabbatarian intransigence throughout Christendom was to some extent rectified. And it was worth whatever effort it cost to hear members of the Jewish community, legislators and rabbis, express their astonishment and joy to hear that there were some Protestant leaders alive who favored recognition of a religious minority's right to their day of rest, free of criminal penalties.

As a result of numerous pressures, including the city council action, the "home rule" bill was reported out of the rules committee, and, with very little debate, was voted on for the first time in the forty years it has been repeatedly introduced. As expected, it failed to gain a majority. The vote was 85 No, 61 Yes.

The bill that failed was not perhaps the ideal legislation for this purpose, and a more detailed and less ambiguous law can be drafted in consultation with Christian groups next year. But this tempest in a teapot illustrated Protestantism's division. Before Protestants can be of much use in a consultation with Jews or Roman Catholics on Sabbatarian problems, they will need to clarify their own position.

It may be helpful for this purpose to point out eight dilemmas upon which Protestants seem prone to hang:

**1. Work vs. Worship** Historically, observance of the Sabbath has been at the heart of the Jewish religion, and abstention from labor is the essence of Jewish observance. Worship is a secondary obligation in Jewish Sabbath tradition.

Historically, observance of the "Lord's day" has been less central in the Christian faith, and worship rather than rest is the essence of the Christian observance. For several centuries Christians were unable to take their leisure on the "Lord's day"; nevertheless, most of them made whatever sacrifices were necessary to enable them to worship on that day. Some Protestants have cited this inconvenience of the early Chris-

tian minority as justification for similar inconvenience to the Jews of today. It is something of a "let-them-eat-cake" attitude for the Christian majority to reconcile themselves so easily to the hardships of the Jewish minority, especially in view of the different meanings of abstention from work in the two communions.

Admittedly, it would contribute to a more tidy and decorous Sunday for Christians if as many in the community as possible should refrain from labor on that day. But Protestants must ask themselves whether it is essential to their religious duties of worship on the "Lord's day" that they require non-Christians to refrain from work on the same day, even if some non-Christians are compelled thereby to labor on their own day of religious obligation because they are in the minority.

**2. Sabbath vs. Sunday** If Christians are determined to adopt the Jewish features of the Sabbath and impose them upon themselves and others, why should the day of such observance be displaced from Saturday to Sunday? Some Christians have seen the logic of this point—Seventh Day Baptists and Adventists—and celebrate their Lord's day on Saturday.

Many groups, including labor unions, claim that one day's rest in seven is good public policy irrespective of religious considerations. Yet this claim does not necessarily imply that everyone must observe the *same* day of rest, and a really universal day of rest becomes less feasible every year, as many transportation, sanitation, emergency, and maintenance functions must operate continuously. The nonreligious concern for one day's rest in seven can be satisfied independently of the religious calendar, and should not intrude upon the Sabbath issue.

**3. Legalism vs. Christian freedom** Much of the burden of Paul's letters is that Christ has freed His followers from obedience to the Jewish law. "For freedom Christ has set us free; stand fast therefore, and do not submit again to a yoke of slavery" (Gal. 5:1, R.S.V.). And this has continued to be a distinctive trait of Christianity.

The effort to assimilate Jewish regulations against work on the Sabbath to the Christian cultus, and to add to them prohibitions against recreation and merriment on that day, is a recent and questionable enterprise of the Puritan persuasion, beginning in seventeenth-century England, and continuing in New England and among its spiritual descendants elsewhere.



Protestants must ask themselves whether this new legalism is consistent with the Christian emphasis on righteous voluntarism and freedom from the law, and whether it becomes Christians to try to outdo their Jewish neighbors in Sabbatarian stringency, especially at Jewish expense.

#### 4. "Thou shalt" vs. "Thou shalt not"

Protestants in this country have been prone to confine their ethical indignation and agitation to negative prohibitions more reminiscent of the Ten Commandments of the Old Testament than of the two great commandments of the New.

"Thou shalt not dance or play on the Sabbath," "Thou shalt not drink alcoholic beverages," "Thou shalt not gamble or play bingo"—these seem to be the negative ethical injunctions over which Protestants are able to become exercised. "Thou shalt open thy schools and thy responsible employments and thy positions of public office to all thy brothers, of every race and creed," "Thou shalt provide all men a fair wage, and adequate medical care, and decent shelter and education," "Thou shalt promote peace and justice and mercy among all groups and all nations"—these are ethical mandates of positive and constructive effect in which Protestants have largely yielded leadership to nonchurchmen.

Protestants must ask themselves whether it is positive or negative morality to press upon a minority, "Thou shalt not work on my Sabbath, regardless of what thou must do on thine own."

#### 5. Regulation vs. Self-determination in religious matters

As a result of Puritan traditions, Protestants in America have been eager to enact restrictive laws for the whole community on what are essentially religious matters.

But the Anabaptists and other factions of the "left wing of the Reformation" took another view, as did the French, English, and American rationalists, culminating in the religious voluntarism of Madison, Jefferson, and Paine. In rebellion against the op-

pressions of state churches, this view insisted that it is improper and oppressive for any church or religious group, even if in the great majority, to enforce church discipline or doctrinal adherence upon its own members by use of state power, let alone upon those of differing religious beliefs!

Although this latter view is not characteristic of all Protestantism, and even less of all Christianity, it is at least as pervasive as the Puritan doctrine, and much more consistent with the democratic temper of American society.

Protestants must ask themselves whether it is in accord with the essential genius of Protestantism to enact or maintain laws protecting their own religious rites and doctrines over the protests of other religious communions. And in every choice between regulation and self-determination in religious matters, Protestants must also ask themselves which course is more likely to produce a climate of freedom and individual responsibility.

#### 6. Ritualism vs. Humanitarianism

Jesus' dictum, "The sabbath was made for man, and not man for the sabbath," has commended itself to humanitarians across the years, even as it has offended sacerdotalists. The proper observance of Sabbath or Sunday is essentially a ritual problem, and should not take precedence over issues of justice and fair play.

Protestants must ask themselves whether any ceremony or ritual usage is important enough to alienate a Christian from his neighbor when there are so many deeper problems of peace and justice and mercy that will require the united and harmonious effort of the whole community for their solution.

#### 7. Secularism vs. Religious display

Many Protestants, especially in Eastern America, profess to be alarmed over the increase of "secularism"—the neglect of religious faith and the weakening of moral consensus. In an effort to correct what they conceive to be a harmful trend, these Protestants, and Roman Catholics indeed, have resorted to what is at best only a superficial and diversionary tactic, and at worst a substitute for real moral motivation and action—religious display.

Religious symbols and slogans are plastered upon public functions and institutions in the pious hope that seeing statues or repeating shibboleths will produce a change in human motivation. This careless use of precious symbols and doctrines only cheapens them without producing any measurable effect on motives. Roman Catholics are especially addicted to this indiscriminate display of pious symbols, while Jews are historically distrustful of the public flaunting of religious symbols.

Protestants must ask themselves which of these two traditions is essentially most protective of re-

## SUNDAY LAWS—



**send men to jail for acts performed on Sunday, right and harmless on other days of the week, and in no sense criminal. Sunday laws brand as criminal men who are good and honorable citizens.**



A. DEVANEY

**The proper observance of Sabbath or Sunday is essentially a ritual problem and should not take precedence over issues of justice and fair play.**

ligious values, and whether there is not a more effective antidote to secularism than mere display.

### **8. "Principles" vs. "Politics"** Protestants are a minority in New

York City. They find themselves often pressed between two larger groups—Jews and Roman Catholics. The effort to manifest Protestant support for "fair Sabbath" legislation was undertaken to preserve the alliance between Protestantism and the Jewish community. Many Jews had expressed dismay that after their several efforts to protect the religious liberties of Protestants and of Jews in Spain, Latin America, and New York City, they should meet with so little favorable response from Protestants when they sought to protect their own liberty to observe the Sabbath without penalty.

Although part of this Jewish expression of disappointment must be discounted as a natural device to mobilize wider support for Jewish claims, it is true that in New York City, Protestants must look to Jewish aid for protection of what both Protestant and Jew conceive to be freedom of worship.

When this viewpoint was expressed to several Protestant leaders, they responded with astonishment that considerations of "politics" should be allowed to outweigh matters of "principle." There are some

principles of ethics and of religion that Protestants should be prepared to defend to the death, but Protestants must ask themselves whether requiring pious Jews to observe two Sabbaths a week is one of them.

In view of the foregoing suggestions that the "principle" in this controversy is ambiguous, mixed, and divided, it may also be asked whether it is not also a "principle" to defend the rights of a minority to practice their religion as far as possible without penalty, and if it is not also a "principle" to stand by one's friends and allies in defense of *their* principles.

Principles are not self-establishing. They must be pressed upon public attention. Recognition must be won for them from legislators and public officials. Alliances must be sought to protect them, and compromises effected to gain their enactment without undue weakening of basic intention. To contend that principles can somehow shape social structure and process without this intense and continuous struggle is to abandon all real hope of making a principle anything more than a hypocritical slogan. *He who would establish a principle in the lives of men must not neglect the necessary means thereto*—and this itself is a principle of Christian ethics without which all other principles may become mere vanity.

# Are Sunday Laws

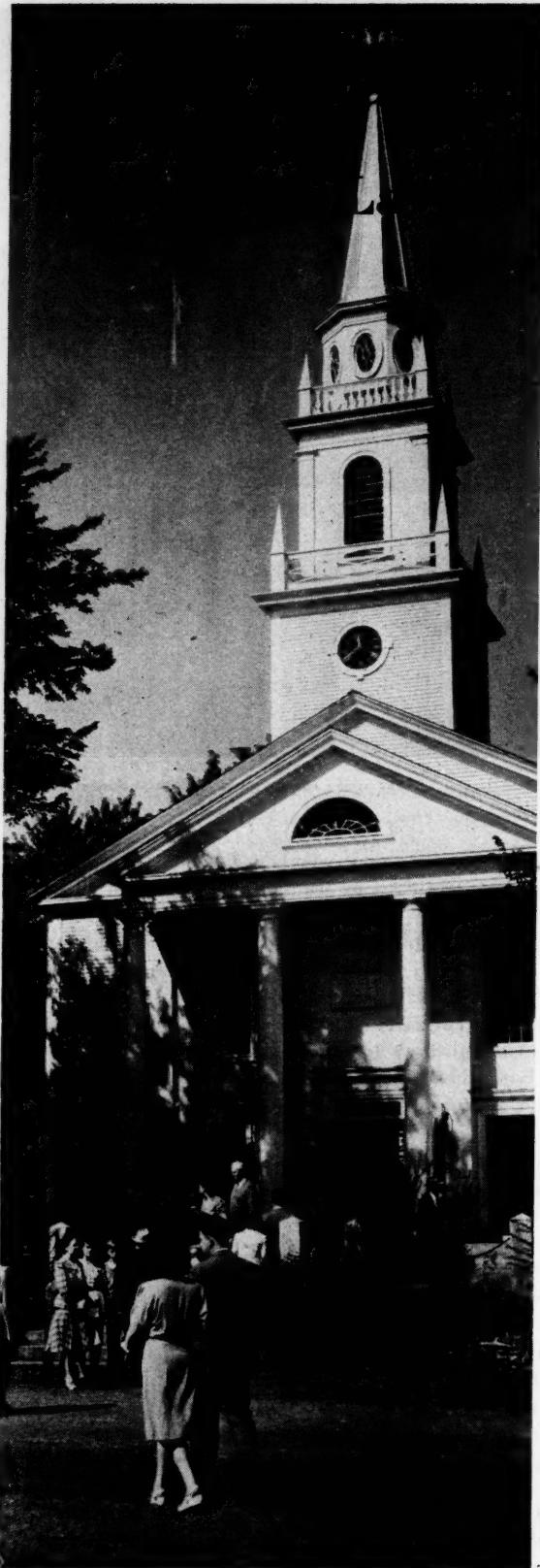
By LEO PFEFFER, Ph.D.

*Director, Commission on Law and Social Action, American Jewish Congress*

IT WOULD SEEM an axiom that in a twentieth-century democracy committed to freedom of conscience, religious obligations should not be enforced by agencies of government. Certainly, the United States, whose Bill of Rights begins with the majestic command that Congress shall make no law respecting an establishment of religion or prohibiting its free exercise—a command that the United States Supreme Court has held equally binding upon the States—should be the last place one would expect to find widespread disregard of this axiom. For the twofold command of the First Amendment is based upon a twofold principle, both aspects of which are violated when government seeks to enforce religious obligations. The first aspect is that religious affairs are beyond the competence and jurisdiction of the secular state, and therefore no law may be made respecting an establishment of religion. The second, that religion must always be voluntary; therefore, no law may be made prohibiting its free exercise or nonexercise.

Do the literally hundreds of compulsory Sunday laws and ordinances on the books of American States and municipalities violate this twofold principle? Obviously they do if Sunday laws are in fact religious laws. It is to this question—Are Sunday laws religious laws?—that this article is addressed.

At first glance it would seem that the question answers itself. Why do we not have compulsory Tuesday- or Thursday-observance laws? Why are the numerous Sunday laws almost uniformly called Sabbath laws or laws for the observance of the "Lord's day," and their violation called the crime of breaching the Sabbath or violating the "Lord's day"? Indeed, so obvious does the answer to the question appear to be that it is only comparatively recently that it was seriously thought that there was any question at all. At just about the beginning of the



J. SCAYLEA, FROM A. DEVANEY

twentieth century a New York appellate court saw no reason to be less than completely frank in stating:

The Legislature has authority to protect the Christian Sabbath from desecration by such laws as it may deem necessary. . . .

Our laws for the observance of the Sabbath are founded upon the command of God at Sinai, that we should "Remember the Sabbath day to keep it holy."—*Matter of Rupp*, 33 N.Y. App. Div. 468-472 (1898).

Some years earlier another New York court was equally frank in its expression of the religious nature of our Sunday laws when it asserted that "the Christian religion and its ordinances [are entitled] to respect and protection as the accepted religion of the people." It then continued:

but more likely because it was the day observed by communicants of Mithraism, a cult more popular than Christianity, as the day of the sun god. This appears evident from the text of the first compulsory Sunday law, promulgated in the year 321 by the emperor Constantine. The law reads:

All judges and city people and the craftsmen shall rest upon the venerable Day of the Sun. Country people, however, may freely attend to the cultivation of the fields, because it frequently happens that no other days are better adapted for planting the grain in the furrows or the vines in the trenches. So that the advantage given by heavenly providence may not for the occasion of a short time perish.

At about the same time soldiers in the army were commanded to worship on the "Lord's day"; lawsuits



After his conversion from paganism to Christianity, the Emperor Constantine in the year 321 passed the first "Sunday law," making it mandatory on the people to rest on the first day of the week.

It would be strange that a people, Christian in doctrine . . . should in their zeal to secure to all the freedom of conscience which they valued so highly, solemnly repudiate and put beyond the pale of the law, the religion which was dear to them as life itself. Religious tolerance is entirely consistent with a recognized religion. Christianity may be conceded to be the recognized religion.—*Lindenmuller v. People*, 33 Barb. 548 (1861).

These frank expressions of the religious nature of Sunday laws were the only conclusion that could come from an honest consideration of the history of such laws. Compulsory observance of the Sabbath goes back, of course, to Mount Sinai, but the Sabbath of Sinai was the seventh and not the first day of the week. The earliest recognition of Sunday by Christians is recorded by Justin Martyr, who reported that in the second century the Christians of Rome gathered on that day to hear readings from the Scriptures, participate in common prayer, and dine together, in the manner in which the Jews celebrated the Biblical Sabbath. Sunday was selected presumably because it was the day of the resurrection of Jesus,

were prohibited on that day, and circus spectacles and theatrical shows were likewise forbidden.

Thereafter Sunday-observance laws were promulgated in Gaul under the Merovingian kings and Charlemagne, and in England under the Anglo-Saxon kings. One American court epitomized the history of Sunday legislation as follows:

"All Sunday legislation is the product of pagan Rome; the Saxon laws were the product of Middle Age legislation of the Holy Roman Empire. The English laws are the expansion of the Saxon, and the American are the transcript of the English." . . . During the Middle Ages, the civil authorities exercised the right to legislate in religious matters after the manner of the Jewish theocracy.—Quoted in *JOHNSON AND YOST, Separation of Church and State in the United States*, p. 222.

The first Sunday law to be promulgated in what is now the United States was the Virginia law of 1610. This law, a product of the church-state union of that colony, provided:

Every man and woman shall repair in the morning to the divine service and sermons preached upon the Sabbath



COURTESY, ILLUSTRATED LONDON NEWS

In Colonial Massachusetts and New York there was a union of church and state, and the Sunday laws promulgated by both the Dutch and English were religious measures with severe penalties for offenders.

day, and in the afternoon to divine service, and catechizing, upon pain for the first fault to lose their provision and the allowance for the whole week following; for the second, to lose the said allowance and also be whipt; and for the third to suffer death.—*Ibid.*, p. 224. (Italics added.)

There is no record of any person suffering death for violation of the Sunday law in Virginia or elsewhere in America. But there is no doubt that enforcement was strict in Colonial America, particularly in New England, with its theocratic church-state union. In Massachusetts, for example, John Baker was whipped "for shooting fowl on the Sabbath day."

In Colonial New York, too, there was a union of church and state, and the Sunday laws promulgated by both the Dutch and the English were likewise religious measures. Their primary purpose was to ensure attendance at church. The first prosecution for Sunday-law violation in New York of which we have record occurred in 1655 while the colony was still under Dutch rule. Abraham de Luceana, a Jewish merchant, was charged with violating the law by keeping his store open during the Sunday sermon (Goodman, *American Overture*, p. 92).

In 1644, on the conquest of the colony by the English, a new law was adopted that combined the requirement of public preaching with prohibitions against disturbing sermons and religious services, and Sabbath-breaking. The present New York Sunday law, as well as the laws of many other States, is based on an act passed in 1695 entitled "An Act Against the Profanation of the Lord's Day, Called Sunday." Its preamble declared:

Whereas the true and sincere service and worship of God . . . is often profaned and neglected by many of the inhabitants and sojourners . . . , who do not keep holy the Lord's day, but in a disorderly manner, accustom themselves to travel, laboring, working, . . . and the using of many other unlawful exercises . . . , to the great scandal of the holy Christian faith.

It is interesting to note that as early as 1631 Roger Williams opposed compulsory Sunday laws on the ground that they were laws of the "first table" of the Ten Commandments, i.e., the first four commandments, which are exclusively religious laws in that they relate only to man's relationship to God.

An extract from the journal of Governor Winthrop of Massachusetts Bay in 1631 reads:

At a court holden at Boston . . . a letter was written from the court to Mr. Endicott to this effect: that . . . Mr. Williams . . . had declared his opinion that the magistrate might not punish the breach of the Sabbath . . . as it was a breach of the first table.

In the light of this history the religious origin of Sunday laws appears incontrovertible. Actually it is not controverted. The present-day courts—up to and including the Supreme Court—that have sustained the validity of Sunday laws concede that their historical origin is religious, and that it is not the business of the Government to enforce religious laws. The laws are justified today on the theory that they have divorced themselves from their religious origins and are now purely secular laws, enacted under the police power of the State to ensure at least one day of rest in seven. The earliest statement of this view appears to be in an opinion of the Supreme Court in 1885:

Laws setting aside Sunday as a day of rest are upheld, not from any right of the government to legislate for the promotion of religious observances, but from its right to protect all persons from the physical and moral debasement which comes from uninterrupted labor. Such laws have always been deemed beneficent and merciful laws, especially to the poor and dependent, to the laborers in our factories and workshops and in the heated rooms of our cities; and their validity has been sustained by the highest courts of the States.—*Soon Hing v. Crowley*, 113 U.S. 703.

Some corroboration of the contention that Sunday laws have become secular laws might be found in the fact that recently a number of labor unions and business trade associations have become actively interested in their enforcement. Nevertheless, I submit that, notwithstanding these latter-day rationalizations, Sunday laws are still religious laws. My belief is based on the following considerations:

1. None of the State or municipal legislatures have evidenced any intent to change the religious motivations of the laws. At no time have the laws been repealed and new laws enacted based upon the police power or a finding that a day of rest is necessary for health reasons. On the contrary, the laws are still uniformly called "Sabbath Laws" and "Laws for the Observance of the Lord's Day." Violations of these laws are still called "Sabbath breaking" as in Colonial times.

2. Amendments to the laws indicate their continued religious motivations. Beginning at the close of World War I, when professional sports began to become big business with powerful legislative representatives, amendments have been adopted all over the nation permitting an increasing number of professional sports, such as baseball, bowling, football, hockey, and soccer, to be played on Sunday. But almost invariably the amendments permit these sports only in the afternoon so as not to entice

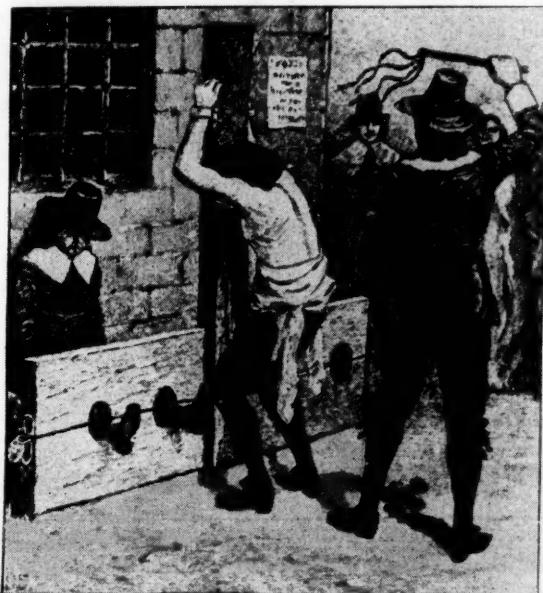
## SUNDAY LAWS—



today as in the past are punitive measures designed to force the will of the majority upon minority groups. Persecutions and hardships are the inevitable result. Are you in favor of punishing your neighbor because he happens to believe differently from you?

people away from attending church services. It is significant that the first amendment ever enacted to a Sunday law to allow sports was a statute enacted in 1618, during the reign of the sports-loving James I, which specifically limited permission to the period after church service.

3. The laws do not require anyone to rest on Sunday; they merely require some trades, businesses, or occupations not to operate on that day. All the Sunday laws have numerous exceptions, such as transportation, sale of tobacco and tobacco products, sports and entertainment, sale of gasoline and oil, publication and sale of newspapers, et cetera. As far as the Sunday laws are concerned, persons engaged in these callings may labor seven days each week. If Sunday laws were really health laws, should not the health of these millions of Americans be likewise the concern of the States? Is a purveyor of cigarettes or gasoline less in need of one day's rest in seven than one who sells lamb chops?





H. A. ROBERTS

**Sunday laws interfere with many harmless and pleasant diversions which families like to enjoy together.**  
**The proper recreation for a rest is entirely a matter of conscience.**

4. Most important of all, the laws still designate Sunday as the day of rest. Health reasons may require persons to abstain from labor one day in seven, but no reasons of health require that a particular day be designated or that the designated day be Sunday. Designation of Sunday can be explained only by reasons of religious purpose.

5. Many State legislatures have themselves at least implicitly recognized that Sunday laws are not health or welfare measures. For they have enacted, completely independently of the Sunday laws, one-day-in-seven statutes requiring every worker to be given one day off in each seven.

6. It is true that recently trade associations and labor unions have expressed an interest in Sunday-law enforcement, but it remains true that enforcement of the laws and defeat of liberalizing amendments are due principally to the efforts of religious and not secular organizations. The Protestant Lord's Day Alliance has long been a vigorous promoter of

Sunday legislation and Sunday-law enforcement. In recent years its activities have been overshadowed by a far more powerful religious body—the Roman Catholic Church. This church violently opposes any relaxation of Sunday laws; it opposes—so far, at least, successfully—even so obviously just an amendment as would exempt persons whose religious convictions require them to observe a day other than Sunday as their holy day of rest. Through its priests and laymen the church has taken the lead in organizing committees to secure Sunday-law observance and to press for criminal prosecutions of those who violate the Christian Sunday. There can hardly be any doubt that the motivations of the Lord's Day Alliance and the Roman Catholic Church are religious, and nothing but religious.

I submit that a fair, objective consideration of all the evidence, contemporary as well as historical, leads to one answer: Sunday laws are religious laws, and as religious laws they have no place in a democracy committed to religious freedom and the separation of church and state.

# The Church and The District Attorney

By MARYAN B. WILKINSON



THE SUNDAY BLUE LAW that lay on the district attorney's desk was not a new issue in Pennsylvania. It was, in fact, so old and so oft-revised that State Senator Joseph J. Yosko called it "obsolete, ridiculous, unenforceable, and a mockery of justice."

But pressures were being applied by the churches, and an Associated Press release tells us that the district attorney "outlined enforcement plans to all police chiefs." Parallel Sunday-closing enforcement was undertaken by district attorneys in Lehigh, Lancaster, Northampton, Dauphin, and Lackawanna counties in Pennsylvania.

The law that the police chiefs were told to enforce that day was complicated by quite a list of amendments. The original law, written in 1794, forbade "any worldly employment or business whatsoever on the Lord's day (works of necessity and charity only excepted)" or "any game, hunting, shooting, sport or diversion."

Among the few exceptions are listed "the dressing of victuals in private families, bake-houses, lodging-houses, inns and other houses of entertainment for the use of sojourners, travellers or strangers." Milk could be delivered "before nine of the clock in the forenoon," and "after five of the clock in the afternoon."

More recent tamperings have legalized baseball

games (between 2:00 and 7:00 P.M.), but not basketball games. Soccer is allowed, but hockey must not be played. Football has legal status, but operas are illegal unless performed for charity. Gardening is not mentioned specifically, but would undoubtedly have to be classified as "worldly employment." Violators are subject to a fine of four dollars. One legislator has suggested raising the penalty to five hundred dollars.

This is not a local ordinance, but is a part of the legal structure of the Commonwealth of Pennsylvania. The law is currently being examined by the joint State government commission. Some revision is likely to result.

Whether or not that revision will be in the direction of liberality is still to be seen.

It appears that the battle for religious liberty is being refought. This is true not only in Pennsylvania but in several States. The battleground can hardly be expected to remain confined to those few States. The elements of the controversy are present in every country of the free world. So a threat to a businessman in Scranton or Harrisburg, Pennsylvania, contains the highly potent seed of threat to every person who prefers not to go back to the government-by-clergy that characterized the Dark Ages.

That little briefing session in a district attorney's office in Pennsylvania is a small episode in the long story of religious legislation. The district attorney had been forced by religious pressure groups to become an ally of the Roman emperor Constantine, who made the first Sunday law. He was compelled to join hands with the Bishop Augustine, who may have been benevolent enough in his own motives, but in favoring religious coercion opened the way for the plunder, death, and torture of the Inquisition.

Does God ask help from police chiefs or emperors or district attorneys? Our nation was founded on the premise that He does not need the aid of human





RUSS HARLAN, ARTIST

The Sunday law that lay on the district attorney's desk was not a new issue in Pennsylvania. That law that he told his police chiefs to enforce was complicated by quite a list of amendments. It was "obsolete, ridiculous, unenforceable, and a mockery of justice."

power. The first words of the First Amendment to the Constitution of the United States are: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

In 1830 zealous Sundaykeepers asked Congress to stop the transportation and handling of mail on Sunday. A congressional committee studied the request in the light of the Constitution. Their answer to the zealots is a piece of keen analysis:

"The framers of the constitution recognized the eternal principle that man's relation with his God is above human legislation, and his rights of conscience inalienable."

"The constitution regards the conscience of the Jew as sacred as that of the Christian, and gives no more authority to adopt a measure affecting the conscience of a solitary individual than that of a whole community. . . . If Congress shall declare the first day of the week holy, it will not convince the Jew nor the Sabbatarian. . . . If a solemn act of legislation shall, in one point, define the law of God, or point out to the citizen *one* religious duty, it may, with equal propriety, proceed to define *every*

part of divine revelation, and enforce *every* religious obligation, even to the forms and ceremonies of worship, the endowment of the church, and the support of the clergy."

"The committee look in vain to that instrument [the Constitution] for a delegation of power authorizing this body to inquire and determine what part of time, or whether any, has been set apart by the Almighty for religious exercises."—"Sunday Mail," *U.S. House Reports*, Vol. II, No. 271, pp. 1-4.

We can be grateful that a Congressional committee refused to declare the first day of the week holy. The ministers, it is said, must have a congregation. The stores that close on Sunday must be freed from the competition of those that are open on Sunday.

Religious legislation is a handy solution.

But a far better solution is suggested in the Bible. "The law of the Lord is perfect," the psalmist says, "converting the soul" (Psalm 19:7). Those who choose to serve God can find His will revealed in His perfect law. That law changes the selfish heart of

man. This is the only "law enforcement" the Ten Commandments need.

Whenever police power is used by a religious group, that group is revealed as having departed from the law that converts the soul. The church panics before the threat of materialism. It forgets that God's work is done, "not by might, nor by power, but by my spirit, saith the Lord" (Zechariah 4:6). So the pressures are applied upon the district attorney. The "obsolete" blue law is revived; the enforcement of the "unenforceable" is attempted; the "ridiculous" is dignified because the first day of the week has been declared holy by the corner policeman in the name of the Lord, who "in six days . . . made heaven and earth," rested the seventh day and "blessed the sabbath day, and hallowed it"!

Does the church really gain by this kind of partnership? If it fills its pews with members who have not felt the converting power of God's law, it will gain only in numbers, not in power.

To the Christian ministry our Lord gave authority to close or open the doors of the church, but never did He suggest that they ask the police to usher in the congregation. He knew too well from experience the cold touch of Sabbath legislation.

"Therefore did the Jews persecute Jesus, and sought to slay him, because he had done these things on the sabbath day" (Matthew 5:16).

When men begin to tamper with the law of God and the consciences of other men, what is there to stop them?

We hope that honest representatives in every State will have courage to stand firm for religious liberty as our Lord defined it:

"Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's" (Matthew 22:21).

Obedience to these words will end all religious coercion and keep the church and its pressures out of the district attorney's office.



## ***This Is "For the Birds"***

Unless and until otherwise provided by a regulation of the Commission, in accordance with the provisions of law, the following shall be unlawful:

(a) To hunt or kill any wild bird or wild animal, including any predatory or undesirable species, with a gun or other firearm on Sunday, which is hereby declared a rest day for all species of wild bird and wild animal life. . . .

*Code of Virginia, 29-143 (a)*

Sparrows, bluejays, crows, owls, and hawks take notice! Skunks, catamounts, and weasels rejoice!



# “True Religion Is a Voluntary Obedience Unto God”

By GODFREY T. ANDERSON, Ph.D.

President, College of Medical Evangelists  
Los Angeles, California

THE WORDS QUOTED in the title were written by Isaac Backus almost two hundred years ago.<sup>1</sup> They contain a timeless truth that needs to be reiterated from time to time so that men will not barter away, or treat lightly, their religious freedom which has been so dearly bought through the centuries.

Isaac Backus, author of these words, was a courageous and influential opponent of religious legislation and of civil authority in the religious realm in all of its manifestations. While he has been lost sight of to a degree, he ranks high in the list of stanch champions of church-state separation in our history.<sup>2</sup>

The commanding issue in his day involving church-state relations was the levying of taxes to support the ministry of the established church. This fearless champion of religious liberty watched with unsleeping vigilance and labored in season and out to restore to the people what he believed to be their God-given rights in all matters of conscience. By every means at his disposal—sermons, pamphlets, personal letters, and newspaper articles—he effectively advocated freedom of worship.

In a memorial which Backus was commissioned by the Baptist churches of New England to present to the First Continental Congress at Philadelphia in 1774 his own convictions in opposition to religious legislation in principle are clearly revealed:

The free exercise of private judgment, and the unalienable rights of conscience, are too high a rank and dignity to be subjected to the decrees of councils, or the

imperfect laws of fallible legislators. The merciful Father of mankind is the alone Lord of conscience. Establishments may be enabled to confer worldly distinctions and secular importance. They may make hypocrites, but cannot create Christians.

To give laws, to receive obedience, to compel with the sword, belong to none but the civil magistrate; and on this ground we affirm that the magistrate's power extends not to the establishing any articles of faith or forms of worship, by force of laws. . . .

Religion is a concern between God and the soul with which no human authority can intermeddle; consistently with the principles of Christianity.<sup>3</sup>

This dauntless apostle of soul liberty wrote a three-volume history of the Baptists in New England, in part to promote the cause of religious freedom. Repeatedly there is revealed in this work the author's disdain for the exercise of civil power in the personal religious activities of the individual. In his first volume he explains as his reason for dealing in some detail with a certain unhappy incident that he "might plainly detect and expose the pernicious nature of imagining that . . . religion endows the subjects of it with a right to act as lawgivers and judges over others."<sup>4</sup> Later in this volume, in recording some of Cotton Mather's attitudes, he comments that the power of men "to judge for others about worship, and to enforce their judgment with the sword . . . is the root of the worst persecutions in the world."<sup>5</sup>

The Warren Association, in which Backus was active and through which he exerted a strong influence, represented the united opposition of New England Baptist churches in the late eighteenth century to religious legislation. Speaking before this group in 1778, Backus said, touching on religious legislation:

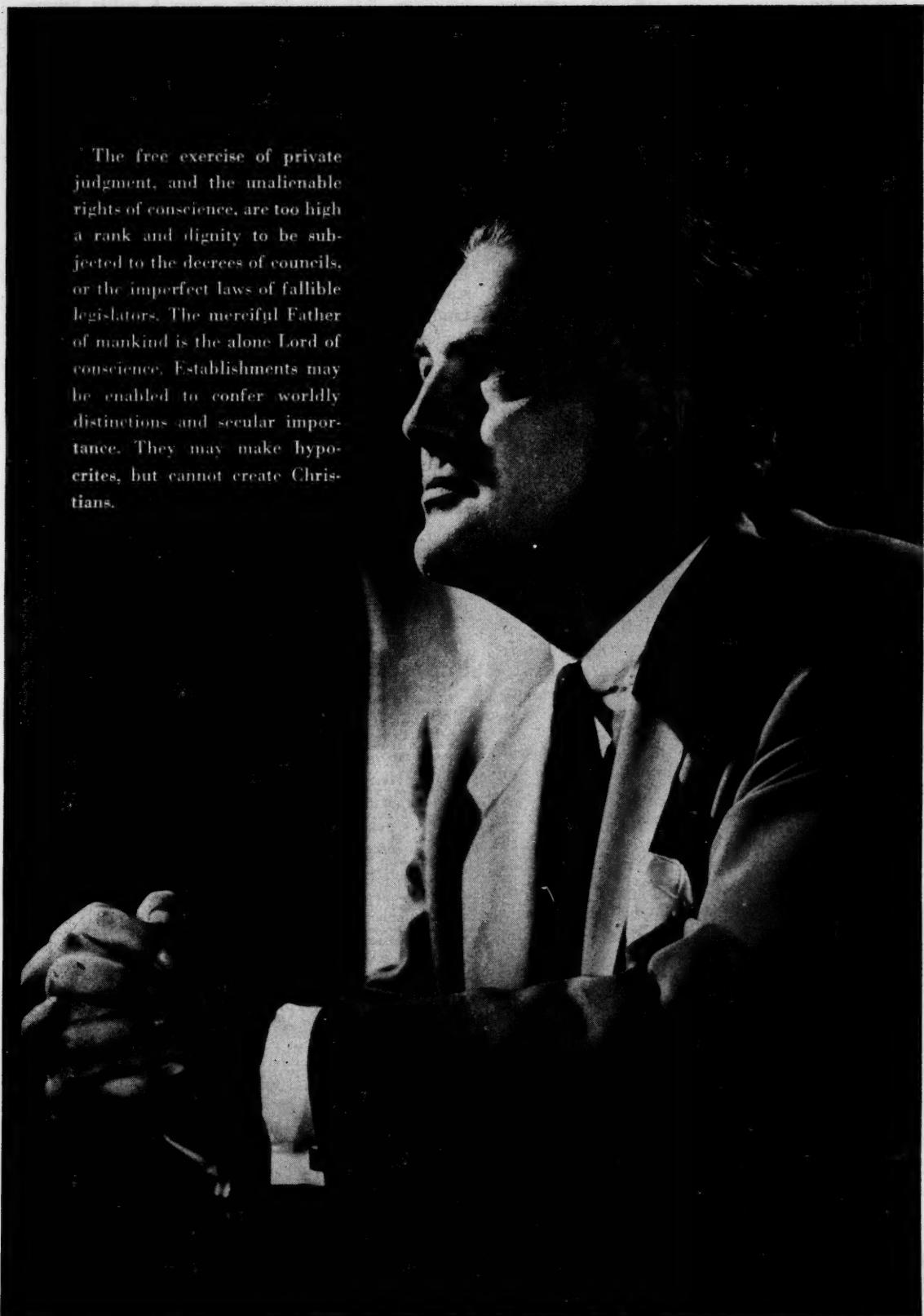
But then let it be heedfully minded we claim no right to desire the interposition of the *State* to establish that mode of worship, government, or discipline, we apprehend is most agreeable to the mind of Christ. We desire no other liberty than to be left unrestrained in the exercise of our principles.<sup>6</sup>

It was common practice in the Revolutionary period, as before and since, to issue pamphlets to set forth one's views on the issues of the day. Backus used this means to publicize his position of opposition to civil laws dealing with religion. In all of these various statements his viewpoint was consistent



Interested Isaac Backus, champion of religious freedom, who had definite ideas on such legislation: "Religion is a concern between God and the soul with which no human authority can intermeddle; consistently with the principles of Christianity."

The free exercise of private judgment, and the unalienable rights of conscience, are too high a rank and dignity to be subjected to the decrees of councils, or the imperfect laws of fallible legislators. The merciful Father of mankind is the alone Lord of conscience. Establishments may be enabled to confer worldly distinctions and secular importance. They may make hypocrites, but cannot create Christians.



A. DEVANEY

and, we believe, sound. In one pamphlet, published in 1771, he wrote:

For unless a Man could constitute another to answer for him at the Bar of God, it is impossible for him to convey to another a right to compel him or others to attend, or support any Worship contrary to their Consciences.<sup>7</sup>

He also expressed his belief that rulers, as well as other men, should use their influence in favor of religion, but denied that they had any right "to force any to support religious Worship."<sup>8</sup>

Two years later, on the eve of the American Revolution, he reaffirmed his position:

And as it is evident to us, that God always claimed it as his prerogative to determine by his own laws, what his worship shall be, who shall minister in it, and how they shall be supported; so it is evident that their prerogative has been, and still is, encroached upon in our land.

In religion each one has an equal right to judge for himself. . . . And we freely confess that we can find no more warrant from divine truth, for any people on earth to constitute any men their representatives, to make laws, to impose religious taxes, than they have to appoint Peter or the Virgin Mary to represent them before the throne above.<sup>9</sup>

In another article that same year he said:

We cannot convey a right to a representative to compel any person, either to attend, or to support a worship contrary to his conscience.<sup>10</sup>

Ten years later Backus was still writing convincingly for the cause that meant so much to him:

We believe that attendance upon public worship, and keeping the first day of the week holy to God, are duties to be inculcated and enforced by his laws, instead of the laws of men. . . .

Christianity is a voluntary obedience to God's revealed will; and every thing of a contrary nature is anti-Christianism.<sup>11</sup>

At the convention in Massachusetts which met in January, 1788, to consider the ratification of the proposed Federal Constitution, Backus spoke in favor of the new instrument. Again his voice was raised in unyielding opposition to church-state affiliation:

Nothing is more evident, both in reason and the Holy

Scriptures, than that religion is ever a matter between God and individuals; and, therefore, no man or men can impose any religious test without invading the essential prerogatives of our Lord Jesus Christ.<sup>12</sup>

It is apparent from these statements of Isaac Backus that he held strong views in opposition to legislation by the civil authorities which impinged on the rights of a man's conscience in all matters of religion. He was pre-eminent in the Revolutionary period of our nation's history as the spokesman for the separation of church and state. We, the twentieth-century heirs of the freedom of religion for which he fought so effectively, honor him and those who stood with him in the struggle. We sense that his kind of courage and clear thinking is needed in our times if the liberty for which he labored is to be preserved in our land. The Reverend Isaac Backus—preacher, historian, and exponent of sound principles of church-state relations—is highly deserving of the accolade which has been given him: "The greatest champion of religious freedom since Roger Williams."<sup>13</sup>

#### REFERENCES

<sup>1</sup> ISAAC BACKUS, *Government and Liberty Described and Ecclesiastical Tyranny Exposed* (Boston: Powars and Willis, 1778), p. 4.

<sup>2</sup> GODFREY T. ANDERSON, "A Neglected Champion of Religious Freedom," *Liberty*, third quarter, 1958, pp. 5-9.

<sup>3</sup> Quoted in ALVAH HOVEY, *A Memoir of the Life and Times of the Reverend Isaac Backus, A.M.* (Boston: Gould & Lincoln, 1858), pp. 204, 205, 209, 210.

<sup>4</sup> ISAAC BACKUS, *A History of New England, With Particular Reference to the Denomination of Christians Called Baptists*, Second Edition with notes by David Weston (Newton, Massachusetts: Backus Historical Society, 1871), vol. 1, p. 373.

<sup>5</sup> *Ibid.*, p. 446.

<sup>6</sup> Quoted in HOVEY, *op. cit.*, p. 235.

<sup>7</sup> ISAAC BACKUS, *A Letter to a Gentleman in the Massachusetts General Assembly Concerning Taxes to Support Religious Worship* (Boston: No publisher given, 1771), p. 21.

<sup>8</sup> *Ibid.*, p. 4.

<sup>9</sup> ISAAC BACKUS, *An Appeal to the Public for Religious Liberty Against the Oppressions of the Present Day* (Boston: John Boyle, 1773), pp. 17, 43.

<sup>10</sup> ISAAC BACKUS, *A Discourse Concerning the Materials, the Manner of Building, and Power of Organizing of the Church of Christ; With the True Difference and Exact Limits Between Civil and Ecclesiastical Government; and Also What Are, and What Are Not Just Reasons for Separation* (Boston: John Boyle, 1773), p. 49.

<sup>11</sup> ISAAC BACKUS, *A Door Opened for Equal Christian Liberty, and No Man Can Shut It* (Boston: Philip Freeman, 1783), pp. 6, 14.

<sup>12</sup> *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention of Philadelphia in 1787*, edited by Jonathan Elliott (Philadelphia: J. B. Lippincott, 1902), vol. 2, p. 148.

<sup>13</sup> See *Dictionary of American Biography* (New York: Charles Scribner's Sons, 1943), vol. 1, p. 471, art. "Backus, Isaac."



LIBERTY, 1958

# Glaring Inconsistencies in Sunday Laws

By CHARLES S. LONGACRE

Associate Editor

LIBERTY: A Magazine of Religious Freedom

THE FIRST SUNDAY LAW ever enacted was by the Roman emperor Constantine the Great, in A.D. 321, in honor of the sun god, the chief god worshiped by the majority of Roman citizens. This first Sunday law, in honor of "the venerable Day of the Sun" had exemptions. The farmers who worked in the soil were exempted from the observance of the Sunday law. The law applied closely to the urban population.

Prior to the Roman emperor's edict, those of the Jewish faith and the early Christians observed the seventh day of the week as the Sabbath, in honor of the Creator of all things and in harmony with the fourth commandment of the Decalogue as given and commanded by God.

But the Jewish rabbis had enacted Sabbath ordinances of their own, hundreds of them, which they heaped on top of the fourth commandment. When Jesus Christ came to this earth, He did not come to set men free from obedience to any one of the Ten Commandments (Matthew 5:17, 18), but to deliver men from human enslavement, not only from sin, but from such restrictions as were imposed by the rabbis upon the Sabbath commandment, restrictions that were abhorrent to God and to His Christ, the Author of the Sabbath day.

Jesus sought to sweep all these human restrictions and traditions aside, as a "yoke of bondage," and burdens "grievous to be borne." The apostle Paul, in referring to these restrictions, says: "Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage" (Galatians 5:1).

The rules invented by the rabbis to control Sabbath observance were so oppressive and burdensome that it required a multitude of definitions and exceptions, inconsistent with the Sabbath laws, ludicrous, and contradictory to one another, to appease the people.

Very similarly, and for much the same reasons, Sunday laws have exhibited the most glaring inconsistencies and dangerous discriminations. In Colonial times the Puritan clergy of New England, and the



Jesus sought to sweep away all of the human restrictions and traditions imposed by the rabbis as a "yoke of bondage" and as burdens "grievous to be borne."

Anglican clergy in some of the Southern colonies, under union of church and state, enacted very drastic compulsory Sunday observance laws, to which they attached inconsistent and ludicrous exceptions.

Modern Sunday laws are no better. Our State legislatures, in order to make compulsory Sunday-observance laws palatable to the taste of liberty-loving Americans, have continued the allowing of exemptions, under the guise of "works of necessity and charity."

These exemptions clearly reveal the religious char-

## SUNDAY LAWS—



**are enacted at the instigation of political-minded clergymen who are anxious to protect the sanctity of a religious day and the authority of a church creed.**

acter of the Sunday laws. If the Sunday laws were civil laws they would allow civil acts to be done on Sunday, but since they are religious laws they prevent civil acts, the intent being to permit only religious acts. Actually, in all logic and fairness, an act that is moral and acceptable on one day is so on every day of the week. An act that is immoral and unacceptable on one day of the week is so on every day of the week. But while the Sunday laws and ordinances make an act that is perfectly moral and civil on Monday a crime on Sunday, the exemptions make similar acts legal on Sunday, for no logical reason but to make the laws endurable to the people.

Let us examine some of these exemptions, many of them absurd. To illustrate: The Pennsylvania Sunday law states expressly that it is lawful to deliver milk or the necessities of life before nine o'clock in the forenoon and after five o'clock in the afternoon on Sunday, but a crime if delivered at any other time on Sunday.<sup>1</sup> The Pennsylvania Sunday law again states: "Whoever does or performs any worldly employment or business whatsoever on the Lord's day, commonly called Sunday (works of necessity and charity only excepted), . . . shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine." Then the law permits "bake-houses, lodging-houses, inns and other houses of entertainment" to labor, to bake bread, cakes, and pies, and sell them to the public for food, but makes it a crime for a grocery store or food market to sell the same foods to the public on Sundays.<sup>2</sup> For instance, a grocery-store owner is fined or imprisoned if he sells oranges, apples, potatoes, tomatoes, cabbage, or any kind of food to the public on Sunday, but a restaurant or drugstore can sell all these, cooked on Sunday, to the public, and go free from punishment.

By what sort of reasoning can anyone make it a crime to sell raw tomatoes, a cabbage, or a pound of potatoes in a grocery store on Sunday, and not a crime to sell on the same day cooked or sliced tomatoes, a dish of cabbage slaw, or fried potatoes, in a restaurant or at a snack counter? Our antiquated Sunday laws are quite impossible of rational amendment, dating back as they do to the Puritan times in New

England, and patterned after the Sunday law of King Charles II of England, which stated that every person was compelled by law to go to church on Sunday, or be placed in the stocks.

The New York Sunday law makes it a crime to sell "uncooked flesh foods, or meats, fresh or salt, at any hour or time" <sup>3</sup> on Sunday, but not a crime to sell "prepared tobacco" at any time on Sunday.<sup>4</sup> Also, "all property and commodities exposed for sale on the first day of the week in violation" of the Sunday law "shall be forfeited," but "tobacco" may not only be exposed for sale but sold on Sunday.<sup>5</sup>

The New Jersey Sunday observance law expressly states that if any person is found "traveling, or going to or returning from any market . . . on Sunday, any constable or other citizen may stop every person so offending, and detain him until the next day, to be dealt with according to law," <sup>6</sup> then follows the exemption, "provided always, that no person going to or returning from any church or place of worship, within the distance of twenty miles . . . shall be considered as traveling within the meaning of this act." This shows conclusively that the New Jersey Sunday law by its religious exemptions is an ecclesiastical Sunday law just as verily as the rabbinical Sabbath laws were religious laws and not civil enactments. All such laws are enacted at the instigation of politically-minded clergymen who are anxious to protect the sanctity of a religious day and the authority of a church creed.

Several years ago in New Jersey more than 15,000 auto drivers were arrested on a single Sunday because they were driving for pleasure or business, and not to and from church services. The clauses in these Sunday laws that prohibit traveling, labor, and business, except such as is absolutely necessary on Sunday, activities entirely legal and honorable on the other days of the week, prove that the illegality results only from religion, and from the statutory way of prescribing religious duties, in harmony with the religious convictions and concepts of certain Sunday observers.

When a judge of a court declares that a tobacco vender has a right to sell cigarettes on Sunday, and that a grocery has no right to sell a loaf of bread or a pound of butter or a watermelon on Sunday, because one is a necessity and the others are not, as has been ruled under certain State and municipal Sunday laws, he is allowing his own personal religious convictions to control his decisions.

Twenty-two States included clauses in their Sunday laws exempting "any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath and actually refrains from all secular business and labor on that day." But most of these States insert a clause which operates to nullify the exemption: "provided he does not . . . on that day disturb any other person."<sup>7</sup> That is the way

the Virginia Sunday law exemption reads. Some years ago a number of observers of the seventh-day Sabbath were arrested, tried, and convicted in Virginia, because the prosecuting attorney stated to the court that his mind was disturbed as he went to church, so that he could not keep his mind on the sermon, because he saw Sabbathkeepers doing business and laboring on Sunday.

The New Jersey Sunday law has a similar exemption for a person who "uniformly keeps the seventh day of the week as the Sabbath . . . , and if the work or labor for which such person is informed against was done and performed in his dwelling house or work shop, or on his premises or plantation, and has not disturbed other persons in the observance of the first day of the week as the Sabbath, then such defendant shall be discharged. This section shall not be construed to allow any such person to openly expose to sale on Sunday any goods, wares, merchandise, or other article or thing whatsoever in the line of his business or occupation."<sup>1</sup> Such exemptions are a travesty of tolerance.

These provisos completely nullify the exemption in behalf of Sabbathkeepers, and compel one who observes the seventh day of the week to stand court trial and prove that he "habitually abstains . . . from following his usual occupation or business and from all recreation, and devotes the day to the exercise of religious worship."

This puts a religious test upon Sabbath observers, and denies the equality of all religions before the law, as is provided for in the constitution of New Jersey.

If a State legislature has a right to grant religious exemptions, it must also have a right to withdraw them at any time. This was done by the legislature in one State, which enacted a religious exemption for Sabbathkeepers under its Sunday observance laws. Shortly after these religious exemptions were granted, several observers of the seventh day were arrested for laboring on Sunday. After they were arrested for vio-

lating the Sunday law, but before the trial came off, the Sunday-law advocates went before the State legislature and influenced the legislature to repeal these religious exemptions so the Sabbathkeepers could be found guilty under the Sunday law. This was done, and the Sabbathkeepers were convicted, fined, and imprisoned.

Religious laws enforcing the requirements of religious majorities always result in religious persecution of minorities and a denial of the free exercise of the conscience in religious matters.

The civil government has no more right to prescribe the manner of the observance of the Sabbath, or of the Lord's day, than it has to prescribe the manner of saying the Lord's Prayer, of conducting the Lord's Supper, or of administering baptism, all of which the ecclesiastical courts of medieval and Colonial times did attempt to regulate under the duress of the civil laws.

We boast in America that every individual is free to follow his own conscience in religious matters without molestation, so long as he respects the equal rights of others, and the common decencies and moralities. But our State and municipal Sunday laws, with their many absurd and inconsistent religious exemptions, clearly demonstrate that the glorious doctrine of church and state separation and of religious liberty for the individual is true only in theory.

Let us separate the church and the state effectively, and have all religious denominations stand equal before the law. The natural and inherent God-given rights of man are never secure to all as long as they are overridden and placed in jeopardy for an individual or for a minority.

<sup>1</sup> Purdon's *Pennsylvania Statutes, Annotated*, title 18, section 4699.4.

<sup>2</sup> *Ibid.*

<sup>3</sup> McKinney's *Consolidated Laws of New York, Penal Law*, section 2147.

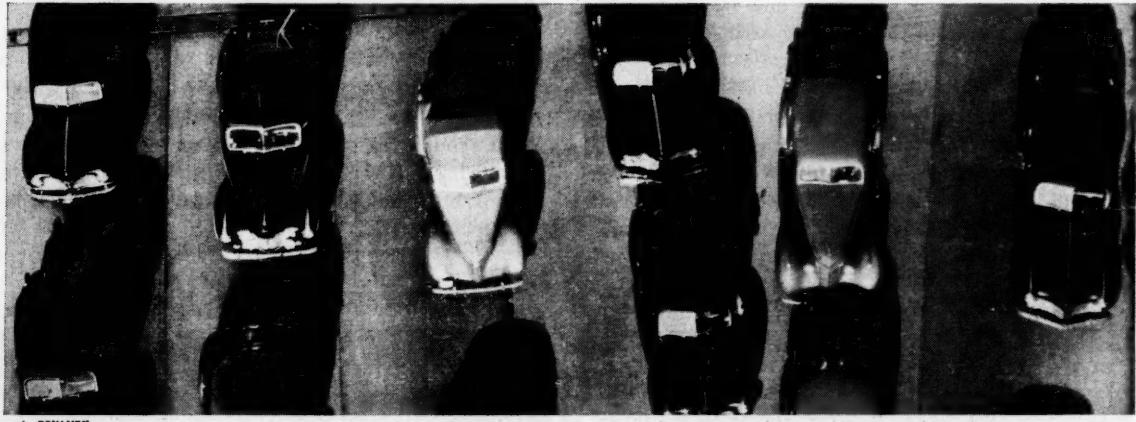
<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, section 2149.

<sup>6</sup> *Revised Statutes of New Jersey*, section 2:207-1. Repealed, then re-enacted in 1951, omitting the word "traveling."

<sup>7</sup> *Code of Virginia*, section 18-330.

<sup>8</sup> Section 2A-171-4.



A. DEVANEY

Several years ago in New Jersey more than 15,000 auto drivers were arrested on a single Sunday because they were driving for pleasure or business, and not to and from church services.

# As a Mayor Saw It

By PHILIP VAN EVERY



[On September 13, 1956, the Charlotte, North Carolina, "Observer" published a series of observations by their mayor, Philip van Every, upon the matter of laws to control and regulate Sunday observance. We felt that our readers should have these statements before them, in the setting of the current nationwide agitation for strict Sunday law enforcement.—ED.]

**R**ELIGIOUS FREEDOM is one of the main pillars upon which our institution of government rests. This does not mean that the government should be an instrument to channel our people into one religious belief or another but simply means that one should be free to believe or not believe as his conscience dictates concerning any religious teaching.

Sunday observance is a matter of religious conviction and not one of government. The law should deal equally with all people regardless of their religious beliefs, if any.

I believe it is wrong for the City Council to enact ordinances designed to compel one to observe the Sabbath according to the teaching of his own church or that of another.

Strange as it may seem, we ordinarily do not give much thought and consideration to religious beliefs and convictions of others. So long as we are satisfied with our own beliefs, we see no reason why the government should not enact legislation to sanction what we believe.

In fact, it rather makes us feel good that the government has put a stamp of approval on our way of believing, and we may actually hope that it will help to bring others around to our way of thinking. This manifestly is wrong and not in keeping with the American concept of religious freedom.

As Americans we believe that matters of government and matters of church teaching should not be joined; that the church should not call upon the government to pass restrictive laws with the thought of leading the people to observe certain religious holidays in the way it thinks is Christian, Jewish, or otherwise.

Nevertheless, some may say that the government has already enacted laws in words similar to the Ten Commandments so why should it not enact laws calculated to result in directing the people to observe Sunday in the manner it thinks the Ten Commandments mean.

But thoughtful consideration of this circumstance leads one to the inescapable conclusion that while the civil law in a great many cases coincides with the rule of the Commandments, the approach of the government is not the same as that of the church even though they do reach the same high moral plane.

They at no time join or commingle. They are and must be under our system of government kept separate and apart.

The civil law says, with the Commandments: "Thou shalt not kill." "Thou shalt not steal." "Thou shalt not commit adultery."

The law makes these provisions for the protection of our society and preservation of our civilization and not for the purpose of indoctrinating the citizenry with religious beliefs.

Sunday observance is certainly a teaching of the Christian church, and I am sure that all sincere Christians are observing it as their conscience dictates, for which they are to be commended.

But should the government endeavor by restrictive laws to have all the people do likewise irrespective of their religious beliefs, if any, the answer must be an emphatic NO!





EWING GALLOWAY

Enforcement of such measures would mean virtually levying a fine of one day's business upon the religious conscience and practice of an observer of the seventh day of the week.

## Would You Believe It? *Harsh, We Think!*

**A** NEW JERSEY SUNDAY BILL, vintage of 1958, proposed that in every case where a merchant was convicted under the Sunday-closing law, his accusing witness would receive one half the amount of the fine levied against the culprit. This seemed to us more medieval than twentieth century. What do you think?

In Massachusetts, a bill was introduced in the State legislature which provided that when a merchant was convicted under the Lord's Day Act of the State, he should lose his license to do business. This besides any fines or other penalties levied upon him. We do not need a recession to kill off the small businessman — just a lot of Sunday laws like this proposal!

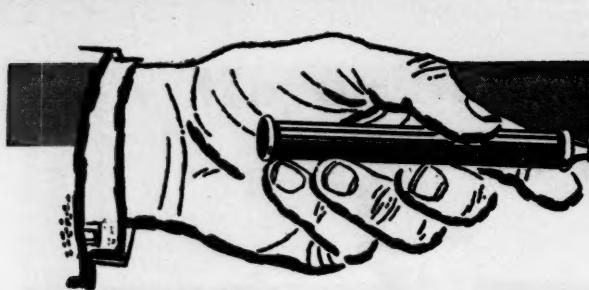
Sunday-closing bills introduced in the Congress of the United States for the nation's capital city made no provision for the exemption of any person observing another day than Sunday. Enforcement of measures like these would mean virtually levying a fine of one day's business upon the religious conscience and practice of a seventh-day observer.

Now speaking of penalties: A Michigan bill would have fined a transgressor of Sunday sacredness up to \$300. A Pennsylvania bill called for \$500, and/or, six months' imprisonment. Exactly this penalty was provided in an ordinance adopted in West Virginia. A Missouri proposal would have upped the fine to \$1,000, with a six months' prison sentence in prospect. Do not these come very, very close to the "cruel and unusual punishments" forbidden by the Eighth Amendment of the Federal Constitution, especially when it is realized that the sale of a thimble might legally produce such severe penalties?

Remember please that these proposals have not been introduced to prevent adultery, or mayhem, or murder, but only to keep honest citizens of good repute and honorable occupation from doing on a particular day acts which are completely right and acceptable on other days of the week.

FRANK H. YOST, *Editor*

*LIBERTY: A Magazine of Religious Freedom*



LET'S LOOK AT  
**Sunday  
Laws**

**Q. Are Sunday laws fair?**

**A.** No. Sunday Blue Laws are always unfair. They make illegal on a particular day of the week activities that are honorable and right on other days. They close up one kind of business place, and permit another kind to be open. They specify that on Sunday only certain kinds of goods may be sold. All of this is unfair discrimination.

**Q. Do Sunday laws make good men criminals?**

**A.** Yes. Sunday laws send men to jail for acts performed on Sunday, right and harmless on other days of the week, and in no sense criminal. Sunday laws brand as criminal men who are good and honorable citizens.

**Q. Are Sunday laws needed to protect labor?**

**A.** No. Labor must be protected from unfair demands upon it. No man should be required to work more than six days a week. All States have laws covering this. A number of States have excellent laws with a one-day-of-rest-in-seven provision. Sunday Blue Laws are not needed to protect the laboring man.

**Q. Do Sunday laws protect the family?**

**A.** No. Sunday laws interfere with many harmless and pleasant enjoyments which families like doing together. Any law, particularly if involving religion, that prohibits a man's proper activities, always bears down hardest upon the common man.

**Q. Are Sunday laws needed to protect religion?**

**A.** No. Every citizen should have the protection of his government while peaceably attending to his own affairs and interests. He is entitled to protection in his religious worship. But this protection is amply provided in many laws and ordinances in every State and community, forbidding breach of the peace and disorderly conduct. No Sunday Blue Laws are needed to protect freedom of worship.

**Q. Would not attendance at religious services suffer if there were no Sunday laws?**

**A.** No. Religious services are held on every other day of the week than Sunday, with hundreds and even thousands attending, without the support of special laws.

**Q. Are Sunday laws un-American?**

**A.** Yes. Sunday as a special day had its origin in religion. Sunday Blue Laws usually define Sunday as the "Lord's day" or the "Sabbath." These are religious terms. Sunday Blue Laws are primarily religious. The spirit of the American people, and the laws of the United States, have held for freedom of religion and the separation of church and state. The United States Constitution declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." State constitutions have similar provisions. Sunday Blue Laws are an "establishment of religion" and "prohibit the free exercise thereof."

Sunday Blue Laws are un-American and unconstitutional.

**AND NOTICE THIS:**

The observance of religious days is wholly a matter of conscience, and not of state regulation.

Sunday observance is a religious obligation. It is not a civil duty.

Sunday laws protect a religious day and are therefore religious.

The Lord's day belongs to the Lord, and not to Caesar.

No spiritual and religious matters should be mixed in civil government.

Religion by law has always been a blight upon civilization and an injury to Christianity.

*Right of choice in days of worship.*—Paul said: "One man esteemeth one day above another: another esteemeth every day alike. Let every man be fully persuaded in his own mind" (Romans 14:5).

*Separation of church and state.*—Christ said: "Render unto Caesar the things which are Caesar's, and unto God the things that are God's" (Matthew 22:21).



E. G. DONERT, FROM A. DEVANEY

Millions of people observe the Sabbath by attending church; many do not go to church. Others operate businesses in order to make a living. Freedom of choice is a vital part of the foundations on which this great nation was built.

## Legislature's Duty

By PAUL A. MARTIN

[*The Lansing, Michigan, "State Journal" protested logically and courageously in its issue of last February 19 against comprehensive Sunday-closing bill offered in the Michigan legislature. The measure died. Here is the "Journal's" editorial.]*

**F**REEDOM OF CHOICE, exercised within the limits needed to keep it from infringing upon the legitimate rights of anyone, is a vital part of the foundations on which this great nation was built.

If the foundations of free America are to remain strong in the face of the threat posed by governments which depend for their power on rigid regimentation of the people, freedom of choice must continue to be safeguarded against limitations which are not clearly in the public interest.

One of the sources of this country's greatness is the opportunity for diversity of public opinion. Millions of people observe the Sabbath by attending church and by foregoing other activities in which they engage on other days. Many do not go to church. Some spend the Sabbath at home. Some play golf or go to movies. Others operate businesses in order to make a living. Others become employees of such businesses for the same reason. Some Americans do not patronize business places on Sunday. Others do.

There is a difference of belief among Americans as to whether the Sabbath should be observed on the first or seventh day of the week.

The Founding Fathers recognized the necessity for freedom of choice when they erected safeguards in the Constitution against interference with the free exercise of religion.

The same necessity should be recognized by the Michigan legislature as it considers the current effort to put the force of law behind the opinions of some people as to the way in which the Sabbath should be observed.

In furtherance of the effort, a proposed Sunday closing law has been introduced in the legislature. It has been described as an attempt to replace this state's "unworkable" blue laws.

If the new bill were to become law, its sponsors would soon learn that it would be as unworkable as the laws it would replace.

And whether it was workable or not, it would be



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unfair and discriminatory. Experience with similar laws in the past is a basis for a conviction that the proposed Sunday closing law would make law violators out of thousands of otherwise law-abiding persons.

Only one example is needed to point up the unfairness of the proposal. The bill would apply to businesses which employ more than three persons, excluding the proprietor. This would mean that one business, employing four persons in addition to the proprietor, would be forced to close while a competing business located next door and employing only three persons would remain open. Some businesses might seek to protect themselves by firing one or more employees in order to come under the maximum fixed by the law. The discharged employees might find other jobs essential to their livelihood. Or they might not.

Because of the recognized necessity for certain business operations on Sunday the proposed law would provide many exemptions.

The exemptions would include materials needed for the treatment of injuries to humans or animals. It would be legal to make emergency repairs necessary to accomplish certain purposes. This would be likely to give rise to many disagreements over the necessity for repairs.

Druggists would be liable for payment of fines if they unwittingly sold an item the legislature decided should not be sold on Sunday.

Among the exemptions in the proposed law are grass seed and tobacco products. Sponsors of the bill have not made it clear why it would not be against the public interest to sell grass seed and tobacco and harmful to the public to sell furniture or other merchandise which everyone uses.

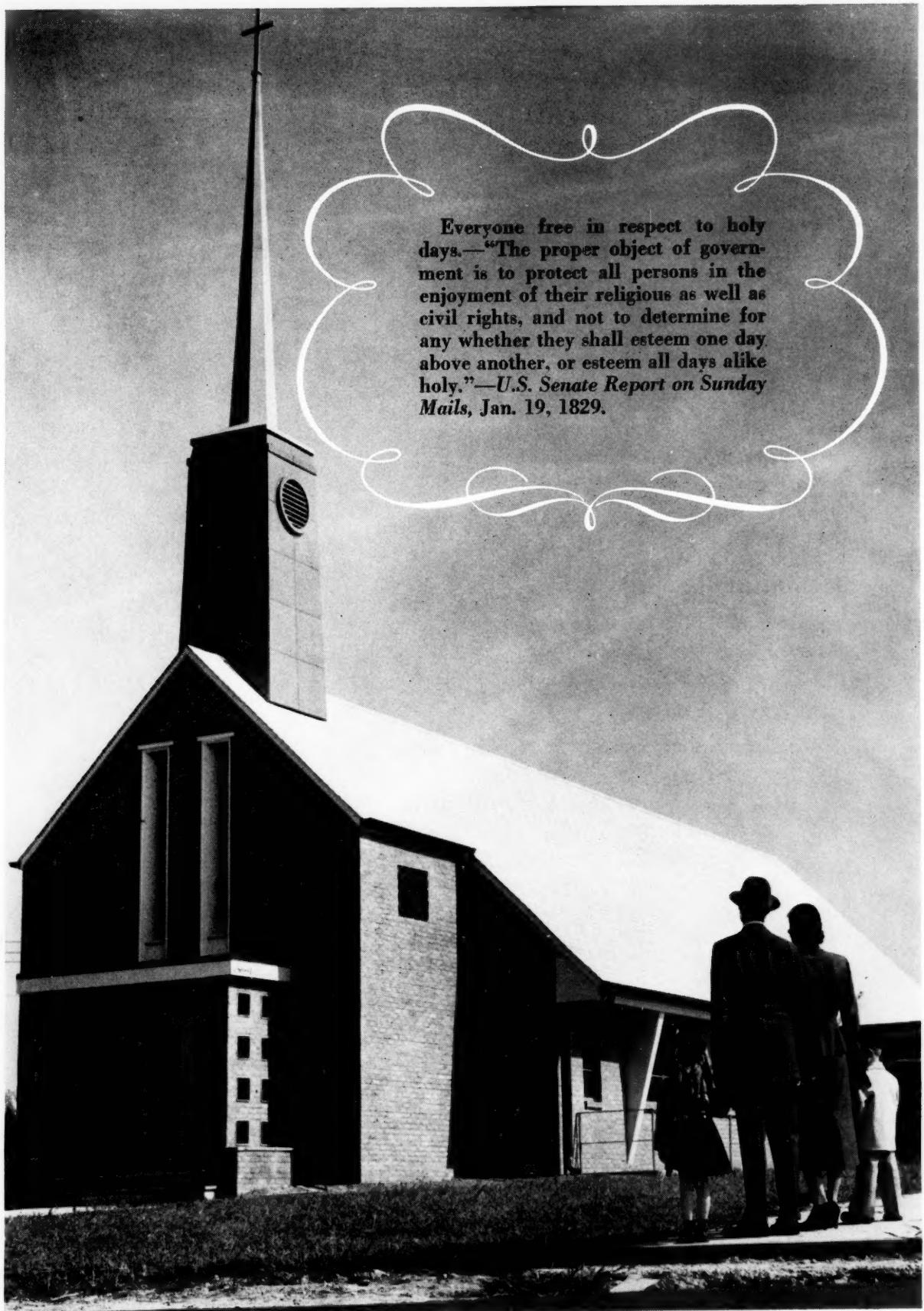
Michigan is a great tourist and resort state. Conveniences and attractions to visitors which are not against the public interest should not be restricted by imposing a drastic new blue law on this state.

If the new bill is enacted into law it probably would not be long until some groups attempted to broaden its scope by banning all athletic events and other cultural events and recreation because such activities do not conform with the opinions of some people as to the way the Sabbath should be observed.

No one is now forced by law to operate a business on Sunday or to work on Sunday. Nor is anyone forced by law to buy anything on Sunday. No one is required by law to observe the Sabbath in a certain way.

No one should be forced by law to refrain on Sunday from activities which in no way exert an immoral or otherwise harmful influence on a community.

The legislature has a solemn responsibility to avoid any unwarranted and unnecessary restriction on the freedom of choice whose preservation is vital to the people of Michigan and the rest of the nation.



Everyone free in respect to holy days.—“The proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy.”—U.S. Senate Report on Sunday Mails, Jan. 19, 1829.

I  
THOU SHALT HAVE NO OTHER GODS BEFORE ME.

II  
THOU SHALT NOT MAKE UNTO THEE ANY GRAVEN IMAGE, OR ANY LIKENESS OF ANY THING THAT IS IN HEAVEN ABOVE, OR THAT IS IN THE EARTH BENEATH, OR THAT IS IN THE WATER UNDER THE EARTH: THOU SHALT NOT BOW DOWN THYSELF TO THEM, NOR SERVE THEM: FOR I THE LORD THY GOD AM A JEALOUS GOD, VISITING THE INIQUITY OF THE FATHERS UPON THE CHILDREN UNTO THE THIRD AND FOURTH GENERATION OF THEM THAT HATE ME; AND SHEWING MERCY UNTO THOUSANDS OF THEM THAT LOVE ME, AND KEEP MY COMMANDMENTS.

III  
THOU SHALT NOT TAKE THE NAME OF THE LORD THY GOD IN VAIN; FOR THE LORD WILL NOT HOLD HIM GUILTY THAT TAKETH HIS NAME IN VAIN.

IV  
REMEMBER THE SABBATH DAY, TO KEEP IT HOLY. SIX DAYS SHALT THOU LABOUR, AND DO ALL THY WORK: BUT THE SEVENTH DAY IS THE SABBATH OF THE LORD THY GOD: IN IT THOU SHALT NOT DO ANY WORK, THOU, NOR THY SON, NOR THY DAUGHTER, THY MANSERVANT, NOR THY MAID-SERVANT, NOR THY CATTLE, NOR THY STRANGER THAT IS WITHIN THY GATES: FOR IN SIX DAYS THE LORD MADE HEAVEN AND EARTH, THE SEA, AND ALL THAT IN THEM IS, AND RESTED THE SEVENTH DAY: WHEREFORE THE LORD BLESSED THE SABBATH DAY, AND HALLOWED IT.

V  
HONOUR THY FATHER AND THY MOTHER: THAT THY DAYS MAY BE LONG UPON THE LAND WHICH THE LORD THY GOD GIVETH THEE.

VI  
THOU SHALT NOT KILL.

VII  
THOU SHALT NOT COMMIT ADULTERY.

VIII  
THOU SHALT NOT STEAL.

IX  
THOU SHALT NOT BEAR FALSE WITNESS AGAINST THY NEIGHBOUR.

THOU  
HOUSE,  
WIFE,  
SERVANT,  
THING THA

This is the Moral Law of God, the Ten Commandments, obedience to which is a matter of conscience. The civil power cannot, and should not, enforce the Law of God.

